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Journal of the Senate

JOURNAL

OF

THE SENATE

OF

THE STATE OF OHIO:

BEING THE FIRST SESSION

OF THE

FORTY-SEVENTH GENERAL ASSEMBLY,

HELD IN THE CITY OF COLUMBUS, COMMENCING ON

MONDAY, DECEMBER 4, 1848.

VOL. XLVII.

COLUMBUS:
S. MEDARY, PRINTER
1849.



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Book.
Ohio State Lib.
3-4-1932

JOURNAL OF THE SENATE.

CITY OF COLUMBUS,
MONDAY, *December 4, 1848.*

At a session of the forty-sixth General Assembly of the State of Ohio, under the Constitution of said State, convened in the City of Columbus, on Monday, the 4th day of December, A. D., 1848, being the first Monday of said month, the following named members, qualified at the last session, appeared and took their seats, viz:

From the counties of

Adams, Highland, and Pike—Jonas R. Emrie.
Allen, Putnam, Mercer, Vanwert, Paulding, Defiance, Williams, and Henry—Sabirt Scott.
Ashtabula and Lake—Brewster Randall.
Athens and Meigs—Horace S. Horton.
Belmont and Monroe—Edward Archbold.
Champaign, Logan, Union, and Hardin—Joshua Judy.
Clermont and Brown—Benjamin Evans.
Clinton, Fayette, and Greene—Franklin Corwin.
Columbiana—Fisher A. Blocksom.
Cuyahoga and Geauga—Franklin T. Backus.
Gallia, Lawrence, Jackson, and Scioto—William Kendall.
Guernsey and Coshocton—Peter B. Ankeny.
Muskingum—Charles B. Goddard.
Ross and Hocking—Wesley Claypool.
Richland—Barnabas Burns.
Carroll and Tuscarawas—Alden J. Bennett.
Washington, Morgan, and Perry—Isaac Haines.
Hamilton—James H. Ewing.

The following named gentlemen appeared, produced certificates of their election, and being duly qualified by oath or affirmation, as prescribed by the Constitution of the State, took their seats in the Senate Chamber, viz:

From the counties of

Butler—Valentine Chase.
Champaign, Clark, and Madison—Harvey Vinal.
Franklin and Delaware—William Deansson, Jr.

Fairfield, Perry, and Hotting—Henry C. Whitman.
Hamilton—John H. Dubbs.
Huron and Erie—Samuel T. Worcester.
Jefferson and Harrison—Pinckney Lewis.
Knox and Holmes—Asa G. Dimmock.
Licking—Samuel Patterson.
Lucas, Henry, Wood, Sandusky, and Ottawa—James Myers
Medina and Lorain—Harrison G. Blake.
Miami, Darke, and Shelby—Jacob S. Conklin.
Montgomery and Preble—George D. Hendricks.
Portage and Summit—Lucian Swift.
Seneca, Hancock, and Wyandott—Joel W. Wilson.
Stark—John Graham.
Trumbull and Geauga—John F. Beaver.
Wayne and Ashland—Andrew H. Byers.

A quorum of members being present, they proceeded to ballot for a Speaker of the Senate. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank	1

There being no choice, the Senators proceeded to ballot a second time for Speaker. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank	1

There being no choice, the Senators proceeded to ballot a third time for Speaker. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank.....	1

There being no choice, the Senators proceeded to ballot a fourth time for Speaker. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank	1

There being no choice, the Senators proceeded to ballot a fifth time for Speaker. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank	1

TUESDAY, DECEMBER 5, 1848.

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There being no choice, the Senators proceed to ballot a sixth time for Speaker. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank.....	1

Mr. Myers moved an adjournment until 10 o'clock, A. M., to-morrow; which was lost.

Mr. Whitman moved that a recess be taken until 10 o'clock, A. M., of to-morrow; which was agreed to.

Attest:

ALBERT GALLOWAY, *Clerk.*

TUESDAY, DECEMBER 5, 1848.

There being a quorum present, the Senators proceeded to ballot for a Speaker. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank.....	1

There being no choice, the Senators proceeded to ballot a second time for a Speaker. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank.....	1

There being no choice, the Senators proceeded to ballot a third time for a Speaker. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank.....	1

There being no choice, the Senators proceeded to ballot a fourth time for a Speaker; which resulted without a choice, as follows:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank.....	1

Mr. Goddard moved that a recess be taken until 3 o'clock this afternoon; which was lost.

TUESDAY, DECEMBER 5, 1848.

The Senators then proceeded to ballot a fifth time for a Speaker. The following was the result:

John F. Beaver had.....	18 votes.
James H. Ewing	17 "
Blank	1

There being no choice,

Mr. Claypool moved that a recess be taken until 3 o'clock this afternoon; which was agreed to.

THREE O'CLOCK, P. M.

The Senators proceeded to ballot a sixth time for a Speaker. The following was the result:

John F. Beaver had.....	5 votes.
James H. Ewing	17 "
Charles B. Goddard.....	12 "
Blank	1

There being no choice, the Senators proceeded to ballot a seventh time for a Speaker. The following was the result:

John F. Beaver had.....	4 votes.
Charles B. Goddard.....	14 "
James H. Ewing	17 "
Blank	1

There being no choice, the Senators proceeded to ballot an eighth time for a Speaker. The following was the result:

Charles B. Goddard had.....	2 votes.
James H. Ewing	17 "
John F. Beaver	5 "
William Dennison, Jr., had.....	11 "
Blank	1

There being no choice, the Senators proceeded to ballot a ninth time for a Speaker. The following was the result:

William Dennison, Jr., had.....	14 votes.
Brewster Randall	17 "
John F. Beaver	4 "
Blank	1

There being no choice, the Senators proceeded to ballot a tenth time for a Speaker. The following was the result:

William Dennison, Jr., had.....	13 votes.
Brewster Randall	19 "
John F. Beaver	4 "

Brewster Randall having received a majority of all the votes given, was declared duly elected Speaker of the Senate, and thereupon proceeded to the discharge of his duties.

Mr. Whitman offered for adoption the following resolution, which was agreed to:

Resolved, That the Senate do now proceed to the election of a Clerk to serve during the present session of the Legislature.

The Senate accordingly proceeded to ballot for a Clerk. The following was the result:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	4 "
T. R. Stanley.....	1 "

There being no choice, the Senate proceeded to ballot a second time for Clerk. The following was the result:

Albert Galloway had.....	15 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	3 "

There being no choice, the Senate proceeded to ballot a third time for Clerk. The following was the result:

Albert Galloway had.....	14 votes.
John R. Knapp Jr.,.....	18 "
Eli T. Tappan.....	3 "
James Scranton.....	1 "

There being no choice, the Senate proceeded to ballot a fourth time for Clerk, which resulted without a choice, as follows:

Albert Galloway had.....	14 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	4 "

Mr. Beaver moved that the Senate adjourn until ten o'clock to-morrow morning.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 14, nays 22, as follows:

YEAS—Messrs. Backus, Beaver, Bennett, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Vinal, Worcester and Speaker.—14.

NAYS—Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Claypool, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Judy, Lewis, Myers, Patterson, Scott, Swift, Whitman and Wilson—22.

So the motion was lost.

The Senate then proceeded to ballot a fifth time for Clerk. The following was the result:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	3 "
T. R. Stanley.....	1 "
Blank.....	1 "

TUESDAY, DECEMBER 5, 1848.

There being no choice, the Senate proceeded to ballot a sixth time for Clerk. The following was the result:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	4 "
T. R. Stanley.....	1 "

There being no choice, the Senate proceeded to ballot a seventh time for Clerk. The following was the result:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.,.....	17 "
Eli T. Tappan.....	3 "
T. R. Stanley.....	2 "
Blank.....	1 "

There being no choice, the Senate proceeded to ballot an eighth time for Clerk. The following was the result:

Albert Galloway had.....	10 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	8 "

There being no choice, the Senate proceeded to ballot a ninth time for Clerk, which resulted without a choice, as follows:

Albert Galloway had.....	11 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	7 "

Mr. Backus moved that the Senate adjourn until ten o'clock to-morrow morning.

Upon that question Mr. Whitman demanded the yeas and nays, which were ordered, and resulted—yeas 14, nays 22, as follows:

YEAS—Messrs. Backus, Beaver, Bernmet, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, ~~Horton~~, Judy, Kendall, Vinal, and Speaker—14.

NAYS—Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emsie, Evans, Ewing, Graham, Hendricks, Lewis, Myers, Patterson, Scott, Swift, Whitman, Wilson and Worcester—22.

So the motion was lost.

The Senate then proceeded to ballot the tenth time for Clerk, which resulted without a choice, as follows:

Albert Galloway had.....	12 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	6 "

Mr. Whitman moved that the Senate adjourn until ten o'clock to-morrow morning.

Upon that question Mr. Corwin demanded the yeas and nays, which were ordered, and resulted—yeas 27, nays 9, as follows:

YEAS—Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blockson, Burns, Byers, Chase, Claypool, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Haines, Horton, Kendall, Myers, Patterson, Scott, Swift, Whitman, Wilson, and Speaker—27.

NAYS—Messrs. Blake, Conklin, Corwin, Dennison, Hendricks, Judy, Lewis, Vinal, and Worcester—9.

So the Senate adjourned until ten o'clock to-morrow morning.

Attest: **ALBERT GALLOWAY**, Clerk.

WEDNESDAY, DECEMBER 6, 1848.

On motion of Mr. Bennett the Senate proceeded to ballot for Clerk. The following was the result:

Albert Galloway had.....	12 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	6 "

There being no choice, the Senate proceeded to ballot a second time for Clerk. The following was the result:

Albert Galloway had.....	12 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	6 "

There being no choice, the Senate proceeded to ballot a third time for Clerk. The following was the result:

Albert Galloway had.....	12 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	6 "

There being no choice, the Senate proceeded to ballot a fourth time for Clerk. The following was the result:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	5 "

There being no choice, the Senate proceeded to ballot a fifth time for Clerk. The following was the result:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	4 "
Blank.....	1

Mr. Beaver moved that the Senate take a recess until three o'clock this afternoon.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 8, nays 28, as follows:

YEAS—Messrs. Backus, Beaver, Bennett, Corwin, Goddard, Haines, Kendall, and Speaker—8.

NAYS—Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Hendricks, Horton, Judy, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, and Worcester—28.

So the motion was lost.

The Senate then proceeded to ballot a sixth time for Clerk. The following was the result:

Albert Galloway had.....	12 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	3 "
H. A. Swift.....	3 "

Mr. Beaver moved that the resolution relative to the election of a Clerk of the Senate, be laid upon the table.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 9, nays 27, as follows:

YEAS—Messrs. Backus, Beaver, Bennett, Goddard, Haines, Hendricks, Horton, Lewis and Worcester—9.

NAYS—Messrs. Ankenny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Judy, Kendall, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson and Speaker—27.

So the motion was lost.

The Senate then proceeded to ballot a seventh time for Clerk. The following was the result:

Albert Galloway had.....	11 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	2 "
H. A. Swift.....	5 "

There being no choice, the Senate proceeded to ballot an eighth time for Clerk. The following was the result:

Albert Galloway had.....	12 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	2 "
H. A. Swift.....	4 "

There being no choice, the Senate proceeded to ballot a ninth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a tenth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot an eleventh time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twelfth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a thirteenth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a fourteenth time for Clerk. The following was the result:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

Mr. Judy moved that the Senate take a recess until three o'clock this afternoon.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

YEAS—Messrs. Bickus, Beaver, Blake, Bennett, Claypool, Conklin, Corwin, Dennison, Goddard, Hines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

NAYS—Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

So the motion was lost.

The Senate then proceeded to ballot a fifteenth time for Clerk. The following was the result:

Albert Galloway had.....	15 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
James Scranton.....	1 "

Mr. Bickus moved that the Senate take a recess until three o'clock this afternoon.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 17, nays 19, as follows:

YEAS—Messrs. Backus, Beaver, Blake, Bennett, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—17

NAYS—Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—19.

So the motion was lost.

The Senate then proceeded to ballot a sixteenth time for Clerk. The following was the result:

Albert Galloway had	16 votes.
John R. Knapp, Jr.	18 “
Eli T. Tappan	2 “

There being no choice, the Senate proceeded to ballot a seventeenth time for Clerk. The following was the result:

Albert Galloway had	16 votes.
John R. Knapp, Jr.	18 “
Eli T. Tappan	2 “

There being no choice, the Senate proceeded to ballot an eighteenth time for Clerk. The following was the result:

Albert Galloway had	15 votes.
John R. Knapp, Jr.	18 “
Eli T. Tappan	2 “
Blank	1

There being no choice, the Senate proceeded to ballot a nineteenth time for Clerk. The following was the result:

Albert Galloway had	16 votes.
John R. Knapp, Jr.	18 “
Eli T. Tappan	2 “

There being no choice, the Senate proceeded to ballot a twentieth time for Clerk. The following was the result:

Albert Galloway had	16 votes.
John R. Knapp, Jr.	18 “
Eli T. Tappan	2 “

There being no choice, the Senate proceeded to ballot a twenty-first time for Clerk. The following was the result:

Albert Galloway had	16 votes.
John R. Knapp, Jr.	18 “
Eli T. Tappan	2 “

There being no choice, the Senate proceeded to ballot a twenty-second time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twenty-third time for Clerk. The following was the result:

Albert Galloway had.....	15 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
Blank.....	1

There being no choice, the Senate proceeded to ballot a twenty-fourth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

Mr. Goddard moved that the Senate take a recess until three o'clock this afternoon.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 7, nays 28, as follows:

YEAS—Messrs. Bennett, Goddard, Haines, Horton, Judy, Kendall, and Speaker—7.

NAYS—Messrs. Ankeny, Archbold, Backus, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Hendricks, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson and Worcester—29.

So the motion was lost.

The Senate then proceeded to ballot a twenty-fifth time for a Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

Mr. Swift moved that the Senate take a recess until three o'clock this afternoon.

Mr. Beaver demanded the yeas and nays thereon, which were ordered, and resulted—yeas 33, nays 3, as follows:

YEAS—Messrs. Ankeny, Archbold, Blake, Blocksom, Bennett, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Whitman, Wilson, Worcester and Speaker—33.

NAYS—Messrs. Backus, Beaver and Vinal—3.

So the motion prevailed, and the Senate took a recess until three o'clock this afternoon.

THREE O'CLOCK, P. M.

The Senate proceeded to ballot a twenty-sixth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twenty-seventh time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twenty-eighth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twenty-ninth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a thirtieth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a thirty-first time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a thirty-second time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a thirty-third time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a thirty-fourth time for Clerk. The following was the result:

Albert Galloway had.....	15 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
H. A. Swift.....	1 "

There being no choice, the Senate proceeded to ballot a thirty-fifth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a thirty-sixth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	17 "
Eli T. Tappan.....	2 "
Blank.....	1

There being no choice, the Senate proceeded to ballot a thirty-seventh time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	17 "
Eli T. Tappan.....	2 "
Blank.....	1

There being no choice, the Senate proceeded to ballot a thirty-eighth time for Clerk, which resulted without a choice, as follows:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

On motion of Mr. Blocksom,
The Senate adjourned until ten o'clock to-morrow morning.
Attest: ALBERT GALLOWAY, Clerk.

THURSDAY, DECEMBER 7, 1848.

A call of the Senate was had. The Senators were all present.

On motion of Mr. Goddard,
The reading of the journal of yesterday was dispensed with.

Mr. Beaver offered for adoption the following resolution, which was agreed to:

Resolved, That the acting Sergeant-at-arms be directed to call on the Secretary of State for one copy of the Collated Statutes, one copy of the Journals of the Senate and House of Representatives of the last session, one copy of the General and Local Laws of last session, and one copy of the Public Documents, for each member of the Senate; and five copies of Chase's Statutes for the use of the Senate.

On motion of Mr. Ewing,

The resolution relative to the election of a Clerk of the Senate, was taken up.

The Senate then proceeded to ballot for Clerk. The following was the result:

Albert Galloway had	12 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	6 "

There being no choice, the Senate proceeded to ballot a second time for Clerk. The following was the result:

Albert Galloway had	13 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	5 "

There being no choice, the Senate proceeded to ballot a third time for Clerk. The following was the result:

Albert Galloway had	12 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	6 "

There being no choice, the Senate proceeded to ballot a fourth time for Clerk. The following was the result:

Albert Galloway had	13 votes,
John R. Knapp, Jr.	18 "
Eli T. Tappan	5 "

There being no choice, the Senate proceeded to ballot a fifth time for Clerk. The following was the result:

Albert Galloway had	14 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	4 "

There being no choice, the Senate proceeded to ballot a sixth time for Clerk. The following was the result:

Albert Galloway had	15 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	3 "

There being no choice, the Senate proceeded to ballot a seventh time for Clerk. The following was the result:

Albert Galloway had.....	14 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	4 "

There being no choice, the Senate proceeded to ballot an eighth time for Clerk. The following was the result:

Albert Galloway had.....	14 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	4 "

There being no choice, the Senate proceeded to ballot a ninth time for Clerk, which resulted without a choice, as follows:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	5 "

There being no choice, the Senate then proceeded to ballot a tenth time for Clerk. The following was the result:

Albert Galloway had.....	14 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	4 "

There being no choice, the Senate proceeded to ballot an eleventh time for Clerk. The following was the result:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	5 "

There being no choice, the Senate proceeded to ballot a twelfth time for Clerk. The following was the result:

Albert Galloway had.....	13 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	5 "

There being no choice, the Senate proceeded to ballot a thirteenth time for Clerk. The following was the result:

Albert Galloway had.....	14 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	4 "

There being no choice, the Senate proceeded to ballot a fourteenth time for Clerk. The following was the result:

Albert Galloway had.....	14 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	4 "

There being no choice, the Senate proceeded to ballot a fifteenth time for Clerk. The following was the result:

Albert Galloway had	15 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	3 "

There being no choice, the Senate then proceeded to ballot a sixteenth time for Clerk. The following was the result:

Albert Galloway had	14 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	4 "

There being no choice, the Senate proceeded to ballot a seventeenth time for Clerk. The following was the result:

Albert Galloway had	13 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	5 "

There being no choice, the Senate proceeded to ballot an eighteenth time for Clerk. The following was the result:

Albert Galloway had	13 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	5 "

There being no choice, the Senate proceeded to ballot a nineteenth time for Clerk. The following was the result:

Albert Galloway had	15 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	3 "

There being no choice, the Senate proceeded to ballot a twentieth time for Clerk. The following was the result:

Albert Galloway had	16 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan	2 "

Mr. Corwin moved that the Senate adjourn until ten o'clock tomorrow morning.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 12, nays 24, as follows:

YEAS—Messrs. Backus, Beaver, Bennett, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, and Speaker—12.

NAYS—Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Claypool, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson and Worcester—24.

So the motion was lost.

The Senate proceeded to ballot a twenty-first time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twenty-second time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twenty-third time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twenty-fourth time for Clerk. The following was the result:

Albert Galloway had.....	15 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	3 "

There being no choice, the Senate proceeded to ballot a twenty-fifth time for a Clerk. The following was the result:

Albert Galloway had.....	15 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	3 "

There being no choice, the Senate proceeded to ballot a twenty-sixth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twenty-seventh time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twenty-eighth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a twentieth time for Clerk. The following was the result:

Albert Galloway had.....	14 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan.....	3 "
Blank.....	1

There being no choice, the Senate proceeded to ballot a thirtieth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a thirty-first time for Clerk. The following was the result:

Albert Galloway had.....	15 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan.....	3 "

There being no choice, the Senate proceeded to ballot a thirty-second time for Clerk. The following was the result:

Albert Galloway had.....	15 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan.....	3 "

There being no choice, the Senate proceeded to ballot a thirty-third time for Clerk. The following was the result:

Albert Galloway had.....	15 votes.
John R. Knapp, jr.	18 "
Eli T. Tappan.....	2 "
James Scranton.....	1 "

There being no choice, the Senate proceeded to ballot a thirty-fourth time for Clerk. The following was the result:

Albert Galloway had.....	16 votes.
John R. Knapp, Jr.	18 "
Eli T. Tappan.....	2 "

Mr. Myers moved that the Senate take a recess until three o'clock this afternoon.

Mr. Corwin demanded the yeas and nays thereon, which were ordered, and resulted—yeas 27, nays 9, as follows:

YEAS—Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Haines, Hendricks, Horton, Judy, Myers, Patterson, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—27.

NAYS—Messrs. Backus, Beaver, Bennett, Corwin, Dennison, Goddard, Kendall, Lewis, and Scott—9.

So the motion prevailed, and the Senate took a recess until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate proceeded to ballot a thirty-fifth time for Clerk. The following was the result:

Albert Galloway had.....	12 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	4 "

There being no choice, the Senate proceeded to ballot a thirty-sixth time for Clerk. The following was the result:

Albert Galloway had.....	9 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	7 "

There being no choice, the Senate proceeded to ballot a thirty-seventh time for Clerk. The following was the result:

Albert Galloway had.....	2 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	14 "

There being no choice, the Senate proceeded to ballot a thirty-eighth time for Clerk, which resulted without a choice, as follows:

Albert Galloway had.....	1 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	15 "

There being no choice, the Senate proceeded to ballot a thirty-ninth time for Clerk. The following was the result:

John R. Knapp, Jr.....	18 votes.
Eli T. Tappan.....	2 "
L. L. Bowen.....	16 "

There being no choice, the Senate proceeded to ballot a fortieth time for Clerk. The following was the result:

John R. Knapp, Jr.,.....	18 votes.
Eli T. Tappan.....	2 "
L. L. Bowen.....	16 "

There being no choice, the Senate proceeded to ballot a forty-first time for Clerk. The following was the result:

Albert Galloway had.....	1 vote.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	15 "

There being no choice, the Senate proceeded to ballot a forty-second time for Clerk. The following was the result:

Albert Galloway had.....	1 vote.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	15 "

There being no choice, the Senate proceeded to ballot a forty-third time for Clerk. The following was the result:

Albert Galloway had.....	1 vote.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	15 "

There being no choice, the Senate proceeded to ballot a forty-fourth time for Clerk. The following was the result:

Albert Galloway had.....	1 vote,
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	15 "

There being no choice, the Senate proceeded to ballot a forty-fifth time for Clerk. The following was the result:

Albert Galloway had.....	2 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	14 "

There being no choice, the Senate proceeded to ballot a forty-sixth time for Clerk. The following was the result:

Albert Galloway had.....	1 vote.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	15 "

There being no choice, the Senate proceeded to ballot a forty-seventh time for Clerk. The following was the result:

Albert Galloway had.....	3 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	13 "

Mr. Corwin moved that the Senate adjourn until ten o'clock to-morrow morning.

Mr. Hendricks demanded the yeas and nays thereon, which were ordered, and resulted—yeas 11, nays 25, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Corwin, Dennison, Goddard, Haines, Horton, Kendall, Lewis, and Speaker.—11.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Hendricks, Judy, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson and Worcester.—25.

So the motion was lost.

The Senate then proceeded to ballot a forty-eighth time for Clerk. The following was the result:

Albert Galloway had.....	3 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	18 "

There being no choice, the Senate proceeded to ballot a forty-ninth time for Clerk. The following was the result:

Albert Galloway had.....	2 votes.
John R. Knapp, Jr.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	14 "

There being no choice, the Senate proceeded to ballot a fiftieth time for Clerk, which resulted without a choice, as follows:

Albert Galloway had.....	1 vote.
John R. Knapp Jr.....	18 "
Eli T. Tappan.....	1 "
L. L. Bowen.....	16 "

There being no choice, the Senate proceeded to ballot a fifty-first time for Clerk. The following was the result:

John R. Knapp, Jr.....	18 votes.
Eli T. Tappan.....	2 "
L. L. Bowen.....	16 "

There being no choice, the Senate proceeded to ballot a fifty-second time for Clerk. The following was the result:

John R. Knapp, Jr.....	18 votes.
Eli T. Tappan.....	2 "
L. L. Bowen.....	16 "

There being no choice, the Senate proceeded to ballot a fifty-third time for Clerk. The following was the result:

John R. Knapp, Jr., had.....	18 votes.
Eli T. Tappan.....	2 "
L. L. Bowen.....	16 "

There being no choice, the Senate proceeded to ballot a fifty-fourth time for Clerk. The following was the result:

John R. Knapp, Jr., had.....	18 votes.
Eli T. Tappan.....	2 "
L. L. Bowen.....	16 "

Mr. Backus moved that the Senate adjourn until ten o'clock to-morrow morning.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted—yeas 13, nays 23, as follows:

YEAS—Messrs. Backus, Beaver, Bennet, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Worcester and Speaker—13.

NAYS—Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Judy, Myers, Patterson, Scott, Swift, Vinal, Whitman, and Wilson—23.

So the motion was lost.

The Senate proceeded to ballot the fifty-fifth time for Clerk. The following was the result:

Albert Galloway had.....	1 votes.
John R. Knapp, Jr.,.....	18 "
Eli T. Tappan.....	2 "
L. L. Bowen.....	15 "

There being no choice, the Senate proceeded to ballot a fifty-sixth time for Clerk. The following was the result:

John R. Knapp, Jr., had.....	18 votes.
Eli T. Tappan.....	2 "
L. L. Bowen.....	16 "

On motion of Mr. Whitman,
The Senate adjourned.

Attest:

ALBERT GALLOWAY, Clerk.

FRIDAY, DECEMBER 8, 1848.

On motion of Mr. Goddard, the reading of the journal was dispensed with.

The same gentleman then offered the following for adoption:

Resolved, That by the provisions of the laws now in force, the Clerk of the Senate is authorized to appoint two assistants only, to wit: One assistant clerk and one clerk for recording and enrolling.

Resolved, That when the current business of the Senate shall, in the progress of this session, so accumulate as to render the labor of the Clerk unreasonably burdensome, it will be the duty of the Senate to authorize the employment of additional assistants.

Which, on motion of Mr. Archbold, was laid on the table.

The same gentleman moved to take up the resolution for going into the election of Clerk of the Senate.

Which was agreed to.

The Senate proceeded to ballot for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
Eli T. Tappan.....	16 "
L. L. Bowen.....	1 "
Blank.....	1

There being no choice, the Senate proceeded to ballot a second time for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
Eli T. Tappan.....	17 "
Blank.....	1

There being no choice, the Senate proceeded to ballot a third time for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
Eli T. Tappan.....	18 "

There being no choice, the Senate proceeded to ballot a fourth time for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
Eli T. Tappan.....	18 "

There being no choice, the Senate proceeded to ballot a fifth time for Clerk, with the following result:

Albert Galloway received.....	16 votes.
John R. Knapp jr.....	18 "
Eli T. Tappan.....	2 "

There being no choice, the Senate proceeded to ballot a sixth time for Clerk, with the following result:

Albert Galloway received.....	18 votes.
John R. Knapp jr.....	18 "

There being no choice, the Senate proceeded to ballot a seventh time for Clerk, with the following result:

Albert Galloway received.....	18 votes.
John R. Knapp jr.	18 "

There being no choice, the Senate proceeded to ballot an eighth time for Clerk, with the following result:

Albert Galloway received.....	18 votes.
John R. Knapp jr.	18 "

There being no choice, the Senate proceeded to ballot a ninth time for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
L. L. Bowen	18 "

There being no choice, the Senate proceeded to ballot a tenth time for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
L. L. Bowen	18 "

There being no choice, the Senate proceeded to ballot an eleventh time for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
L. L. Bowen	18 "

There being no choice, the Senate proceeded to ballot a twelfth time for Clerk, which resulted without a choice, as follows:

John R. Knapp jr. received.....	18 votes.
L. L. Bowen	18 "

Mr. Backus moved that the Senate take a recess until three o'clock this afternoon.

On which question Mr. Whitman demanded the yeas and nays, which were ordered and resulted—yeas 17, nays 19, as follows:

YEAS—Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dannison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—17.

NAYS—Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—19.

So the motion was lost.

The Senate then proceeded to ballot a thirteenth time for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
L. L. Bowen	14 "
John T. Blain	1 "
Blak	3

There being no choice the Senate proceeded to ballot a fourteenth time for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
L. L. Bowen.....	9 "
John T. Blain.....	4 "
John Warner.....	1 "
Blank.....	4

There being no choice, the Senate proceeded to ballot a fifteenth time for Clerk, with the following result:

John R. Knapp jr. received.....	18 votes.
L. L. Bowen.....	8 "
John T. Blain.....	6 "
John Warner.....	1 "
C. D. Taggart.....	1 "
T. R. Stanly.....	1 "
Blank.....	1

There being no choice, the Senate proceeded to ballot a sixteenth time for Clerk, which resulted without a choice, as follows:

John R. Knapp jr. received.....	18 votes.
L. L. Bowen.....	10 "
John T. Blain.....	3 "
John Warner.....	1 "
T. R. Stanly.....	1 "
Blank.....	3

Mr. Goddard offered for adoption the following:

Ordered, That should the result of the next balloting for Clerk show that no one has a majority of all the votes, the Speaker shall cause the ballots to be preserved and returned to the box, and calling to his assistance two members of the Senate, shall draw by lot, five ballots from the box, and the person having the highest number of ballots thus drawn, shall be unanimously voted for as Clerk, and if two persons have an even number, the ballots shall be returned to the box and again drawn until some one has the highest number.

Mr. Whitman moved that said order be laid upon the table;

On which question Mr. Goddard demanded the yeas and nays, which were ordered, and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Goddard moved that the Senate take a recess until three o'clock this afternoon.

Mr. Beaver moved that the Senate adjourn until ten o'clock to-morrow morning, which motion having preference was first put.

Mr. Archbold demanded the yeas and nays, which were ordered, and resulted—yeas 15, nays 21, as follows:

YEAS—Messrs. Backus, Beaver, Bennett, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Lewis, Vinal, and Worcester—15.

NAYS—Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Kendall, Myers, Patterson, Scott, Swift, Whitman, Wilson, and Speaker—21.

So the Senate refused to adjourn.

The question then recurring on the motion to take a recess,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—19.

So the motion was lost.

The question then was on agreeing to the order offered by Mr. Goddard.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, and Wilson—18.

So the question was lost.

The Senate then proceeded to ballot a seventeenth time for Clerk, (being in the aggregate the 121st ballot.) The following was the result:

Albert Galloway had.....	5 votes.
John R. Knapp, Jr.,.....	19 "
L. L. Bowen.....	8 "
John T. Blain.....	1
Oviatt Cole.....	1 "
T. R. Stanley.....	1 "
Blank.....	1

John R. Knapp, Jr. having received a majority of all the votes given, was declared duly elected Clerk during the present session of the General Assembly.

On motion of Mr. Whitman,

Resolved, That the Senate do now proceed to the election of a Sergeant-at-arms to serve during the present session of the Legislature.

The Senate accordingly proceeded to ballot for a Sergeant-at-arms. The following was the result:

Columbia Downing had.....	16 votes.
James Arnold.....	18 "
E. S. Woodburn.....	2 "

There being no choice, the Senators proceeded to ballot a second time for Sergeant-at-arms. The following was the result:

Columbia Downing had.....	17 votes.
James Arnold.....	18 "
E. S. Woodburn.....	1 "

There being no choice, the Senators proceeded to ballot a third time for a Sergeant-at-arms. The following was the result:

C. Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senators proceeded to ballot a fourth time for Sergeant-at-arms. The following was the result:

C. Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senators proceeded to ballot a fifth time for Sergeant-at-arms. The following was the result:

C. Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senators proceeded to ballot a sixth time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a seventh time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	17 "
Blank	1

There being no choice, the Senators proceeded to ballot an eighth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a ninth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a tenth time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot an eleventh time for Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
J. Arnold	18 "

There being no choice, the Senators proceeded to ballot a twelfth time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a thirteenth time for a Sergeant-at-arms; which resulted without a choice, as follows:

C. Downing had	18 votes.
James Arnold	18 "

Mr. Haines moved that the Senate adjourn until ten o'clock to-morrow morning.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

So the motion was lost.

The Senators then proceeded to ballot a fourteenth time for a Sergeant-at-arms; which resulted without a choice:

C. Downing had.....	18 votes.
James Arnold	18 "

Mr. Goddard moved that the Senate take a recess until three o'clock this afternoon.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 16, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—16.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Worcester—20.

So the motion was lost.

The Senate then proceeded to ballot a fifteenth time for Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a sixteenth time for Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senators proceeded to ballot a seventeenth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senators proceeded to ballot a sixth time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a seventh time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	17 "
Blank	1

There being no choice, the Senators proceeded to ballot an eighth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a ninth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a tenth time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot an eleventh time for Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
J. Arnold	18 "

There being no choice, the Senators proceeded to ballot a twelfth time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a thirteenth time for a Sergeant-at-arms; which resulted without a choice, as follows:

C. Downing had	18 votes.
James Arnold	18 "

Mr. Haines moved that the Senate adjourn until ten o'clock to-morrow morning.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

So the motion was lost.

The Senators then proceeded to ballot a fourteenth time for a Sergeant-at-arms; which resulted without a choice:

C. Downing had.....	18 votes.
James Arnold	18 "

Mr. Goddard moved that the Senate take a recess until three o'clock this afternoon.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 16, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—16.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Worcester—20.

So the motion was lost.

The Senate then proceeded to ballot a fifteenth time for Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a sixteenth time for Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senators proceeded to ballot a seventh time for a Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senate proceeded to ballot an eighteenth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senate proceeded to ballot a nineteenth time for Sergeant-at-arms, which resulted without a choice, as follows:

Columbia Downing had	18 votes.
James Arnold	18 "

On motion of Mr. Whitman,
The Senate took a recess until three o'clock this afternoon.

THREE O'CLOCK, P. M.

The Senate proceeded to ballot a twentieth time for Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senate proceeded to ballot a twenty-first time for Sergeant-at-arms; which resulted without a choice, as follows:

C. Downing had	18 votes.
James Arnold	18 "

Mr. Hendricks gave notice, that on to morrow or some subsequent day of the present session, he would ask leave to introduce a bill to abolish capital punishment.

John R. Knapp, Jr., Clerk elect, being present, came forward, was sworn, and proceeded to the discharge of his duties.

The Senate then proceeded to ballot a twenty-second time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senate proceeded to ballot a twenty-third time for Sergeant-at-arms, with the following result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senate proceeded to ballot a twenty-fourth time for Sergeant-at-arms, with the following result:

C. Downing had	18 votes.
J. Arnold	18 "

There being no choice, the Senate proceeded to ballot a twenty-fifth time for a Sergeant-at-arms, which resulted in no choice, as follows:

C. Downing had	18 votes.
James Arnold	18 "

On motion of Mr. Swift,
The Senate adjourned until ten o'clock to-morrow morning.
Attest: J. B. KNAPP, Jr., Clerk.

SATURDAY, DECEMBER 9, 1848.

Mr. Ewing gave notice, that on to-morrow or some subsequent day of the present session he would ask leave to introduce a bill providing for the call of a Convention of the people of Ohio, for the purpose of re-constructing the State Government.

And that he would also introduce a bill providing for the election of the Board of Public Works by the people.

On motion of Mr. Archbold,

The Senate proceeded to ballot for a Sergeant-at-arms: The following was the result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a second time for Sergeant-at-arms. The following was the result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a third time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a fourth time for Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a fifth time for Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a sixth time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a seventh time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot an eighth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a ninth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senators proceeded to ballot a tenth time for a Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
James Arnold	18 "

Mr. Wilson moved that the resolution relative to the election of a Sergeant-at-arms, be laid upon the table.

Which motion was lost.

The Senators proceeded to ballot an eleventh time for Sergeant-at-arms. The following was the result:

C. Downing had	18 votes.
J. Arnold	18 "

There being no choice, the Senators proceeded to ballot a twelfth time for a Sergeant-at-arms; which resulted without a choice, as follows:

C. Downing had	18 votes.
James Arnold	18 "

Mr. Wilson moved that the Senate take a recess until three o'clock, this afternoon.

Mr. Whitman moved that the Senate adjourn until ten o'clock on Monday morning:

Which motion having precedence, was first put and agreed to:

So the Senate adjourned.

Aquest:

J. R. KNAPP, Jr., Clerk.

MONDAY, DECEMBER 11, 1848.

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MONDAY, DECEMBER 11, 1848.

On motion of Mr. Ankeny, the reading of the journal, or so much of it as related to the election of Sergeant-at-arms, was dispensed with.

Mr. Wilson moved a call of the Senate, which was ordered and Messrs. Ewing and Graham were found absent. All further proceedings under the call were dispensed with.

On motion of Mr. Blocksom,

Resolved, That Albert Galloway, late Clerk of the Senate, be allowed the sum of fifty dollars, for his services in organizing the Senate, upon the certificate of the Speaker of the Senate.

Mr. Dimmock gave notice that on to-morrow or some subsequent day of the present session, he would introduce a bill to exempt homesteads, of limited value, from sale on execution.

Mr. Bennett offered for adoption the following resolution.

Resolved, That the standing rules of the Senate in force at the close of the last session, be adopted for the government of this Senate until further arrangements be made.

Mr. Archbold moved to lay the resolution on the table, which was agreed to.

Mr. Goddard moved to take up the resolution relative to the number of assistant clerks of the Senate.

Upon which motion Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Buckus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, and Wilson—18.

So the motion was lost.

On motion of Mr. Hendricks, the Senate proceeded to ballot for Sergeant-at-arms, with the following result:

Columbia Downing had	18 votes.
James Arnold	18 "

There being no choice, the Senate proceeded to ballot a second time for Sergeant-at-arms, which resulted as follows:

C. Downing had	18 votes.
J. Arnold	18 "

There being no choice, the Senate proceeded to ballot a third time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
J. Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a fourth time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
J. Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a fifth time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
J. Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a sixth time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
J. Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a seventh time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
J. Arnold.....	18 "

There being no choice, the Senate proceeded to ballot an eighth time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
J. Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a ninth time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
J. Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a tenth time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
J. Arnold.....	18 "

Mr. Dubbs moved to lay the resolution for the election of Sergeant-at-arms on the table; which was agreed to.

Mr. Archbold offered for adoption the following:

Whereas, the constitution of this state provides expressly that "no money shall be drawn from the treasury except in consequence of appropriations made by law;" And *whereas*, the men of this generation are essentially equal in their rights to the men of the last; and

all pretendedly irrevocable and irrevocable statutes, are not only in themselves absurd, but gross invasions of the rights of posterity; and the authority long since bestowed by act of Assembly on the Auditor of state to levy and collect taxes by his sole authority, for the payment of the interest on our immense public debt, is invidious and odious, and has only been tolerated by the "good men and true" representing the democratic people of this state, from motives of fastidious delicacy concerning public faith and extreme anxiety for the fulfilment of public engagements; but, unique and unparalleled as this enactment is, and unexampled in the history of our Republics, the General Assembly that created a machine so extraordinary, must have intended and did intend to keep it at all times under the strict supervision and control of the Legislative Department; and it has now become painfully manifest to this Senate that a preconcerted design exists in the breasts of some unscrupulous politicians to prevent the organization of the House of Representatives, and thereby to annihilate or suspend the law-making power: Therefore

Resolved, That none but a nation of slaves would submit to be taxed by a single man under such circumstances: And that if the State Auditor shall, during the interregnum created by means so nefarious, have the atrocious audacity to attempt the exercise of this most odious function, he shall be deemed infamous and an enemy to the nation in general, and to this state in particular.

Resolved, That the "imposition of taxes," is an exertion of a high and pre-eminent sovereign power, and is essentially of a legislative nature, and therefore that the perpetual or temporary delegation of the taxing power by statute, to a single man, is essentially unconstitutional, null and void, and can only exist by universal sufferance and acquiescence, and must vanish before the first opposition, like the mists of the morning.

Resolved, That the Senators voting for these resolutions, will by all open and avowed means, whether peaceable or forcible, oppose the collection of taxes in their counties and districts, levied by the State Auditor during the disorganization of the General Assembly: And will for that purpose invoke the effectual aid of their friends and constituents; and for the fulfilment of this resolution, the Senators so voting, pledge to each other their lives, their fortunes and their sacred honor.

Resolved, That the county treasurers be and they are hereby advised and invited by the Senators so voting as aforesaid, to withhold the State Revenue for the present until an organization of the General Assembly can be effected or ulterior measures devised by the friends of the country.

On motion of Mr. Goddard,

Said preamble and resolutions were laid on the table and ordered to be printed.

On motion of the same gentleman,

The Senate took a recess until three o'clock this afternoon.

THREE O'CLOCK, P. M.

Mr. Whitman moved a call of the Senate, which was ordered, all being present the further proceedings under the call were dispensed with.

On motion of Mr. Dimmock,

The Senate proceeded to ballot for Sergeant-at-arms, with the following result:

James Arnold had.....	18 votes.
Columbia Downing.....	18 "

There being no choice, the Senate proceeded to ballot a twelfth time for Sergeant-at-arms. The following was the result:

J. Arnold had.....	18 votes.
C. Downing.....	18 "

There being no choice, the Senate proceeded to ballot a thirteenth time for Sergeant-at-arms. The following was the result:

J. Arnold had.....	18 votes.
C. Downing.....	18 "

The Senators then proceeded to ballot a fourteenth time for a Sergeant-at-arms; which resulted without a choice:

C. Downing had.....	18 votes.
James Arnold.....	18 "

The Senate then proceeded to ballot a fifteenth time for Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senators proceeded to ballot a sixteenth time for Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senators proceeded to ballot a seventeenth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senate proceeded to ballot an eighteenth time for a Sergeant-at-arms. The following was the result:

Columbia Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a nineteenth time for Sergeant-at-arms, which resulted without a choice, as follows:

Columbia Downing had.....	18 votes.
James Arnold.....	18 "

The Senate proceeded to ballot a twentieth time for Sergeant-at-arms. The following was the result:

C. Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a twenty-first time for Sergeant-at-arms, which resulted without a choice, as follows:

C. Downing had.....	18 votes.
James Arnold.....	18 "

The Senate then proceeded to ballot a twenty-second time for a Sergeant-at-arms. The following was the result:

C. Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a twenty-third time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a twenty-fourth time for Sergeant-at-arms, with the following result:

C. Downing had.....	18 votes.
J. Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a twenty-fifth time for a Sergeant-at-arms. The following was the result:

J. Arnold had.....	18 votes.
C. Downing.....	18 "

There being no choice, the Senate proceeded to ballot a twenty-sixth time for Sergeant-at-arms. The following was the result:

J. Arnold had.....	18 votes.
C. Downing.....	18 "

There being no choice, the Senate proceeded to ballot a twenty-seventh time for Sergeant-at-arms. The following was the result:

J. Arnold had.....	18 "
C. Downing.....	18 "

TUESDAY, DECEMBER 12, 1849.

There being no choice, the Senate proceeded to ballot a twenty-eighth time for Sergeant-at-arms. The following was the result:

J. Arnold had.....	18 votes.
C. Downing.....	18 "

There being no choice, the Senate proceeded to ballot a twenty-ninth time for Sergeant-at-arms. The following was the result:

J. Arnold had.....	18 votes.
C. Downing.....	18 "

There being no choice, the Senate proceeded to ballot a thirtieth time for Sergeant-at-arms. The following was the result:

J. Arnold had.....	18 votes.
C. Downing.....	18 "

On motion of Mr. Vinal,

The Senate adjourned until to-morrow morning at 10 o'clock.

Attest;

J. R. KNAPP, Jr., Clerk.

TUESDAY, DECEMBER 12, 1849.

On motion of Mr. Bennett,

The reading of the Journal, or so much of it as related to the election of Sergeant-at-Arms, was dispensed with.

Mr. Ewing moved a call of the Senate, which was ordered and Mr. Archbold was found absent, all further proceedings under the call were dispensed with.

On motion of Mr. Ewing,

The Senate proceeded to ballot for a Sergeant-at-Arms, with the following result:

C. Downing had.....	18 votes.
James Arnold.....	18 "

There being no choice, the Senate proceeded to ballot a second time for Sergeant-at-Arms, with the following was the result:

James Arnold received.....	18 votes.
Columbia Downing.....	12 "
Lucian C. Jones.....	6 "

There being no choice the Senate proceeded to ballot a third time for Sergeant-at-Arms, with the following result:

James Arnold received.....	18 votes.
Columbia Downing.....	12 "
Lucian C. Jones.....	6 "

There being no choice, the Senate proceeded to ballot a fourth time for a Sergeant-at-arms, with the following result:

James Arnold received.....	19 votes.
Columbia Downing.....	12 "
Lucian C. Jones.....	5 "

James Arnold having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms for the Senate for the present session.

Mr. Arnold being present came forward, took the oath of office and proceeded to the discharge of his duties.

Mr. Beaver moved that the Senate take a recess until three o'clock this afternoon.

Mr. Bennett moved that the Senate adjourn until ten o'clock, to-morrow morning, which motion having the precedence was put first and agreed to.

So the Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

WEDNESDAY, DECEMBER 19, 1848.

Mr. Whitman moved a call of the Senate which was ordered; Messrs. Anshold, Graham and Vinal, were absent.

On motion of Mr. Ewing,

The Sergeant-at-Arms was dispatched after the absentees. The members appearing in their seats,

On motion of Mr. Emrie,

All further proceedings under the call were dispensed with.

Mr. Beaver gave notice that on to-morrow or some subsequent day of this session, he would ask leave to introduce a bill for the repeal of the testimony clauses of the black laws.

The same gentleman also gave notice that he would on to-morrow or some subsequent day of this session, ask leave to introduce a bill to repeal the black laws.

The same gentleman gave notice that he would on to-morrow or some subsequent day of this session, ask leave to introduce a bill granting the unsold and unappropriated lands belonging to the State of Ohio to actual settlers, so as to insure the speedy settlement and improvement of those lands.

On motion of Mr. Dennison,

Resolved, That Robert Woodrow be admitted within the bar of this Senate as reporter for the Ohio State Journal.

On motion of Mr. Apkeny,

Resolved, That C. B. Flood, Esq., be admitted within the bar of the Senate, as reporter of the Ohio Statesman.

Mr. Burns gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to establish the "ten hour system."

On motion of Mr. Bennett,

Resolved, That when the Senate adjourn, it be to meet at 10 o'clock A. M., and when it take a recess, it be to meet at 3 o'clock P. M., until otherwise ordered.

On motion of Mr. Hendrick,

Resolved, That L. L. Rice be admitted within the bar of the Senate as reporter for the Ohio Standard.

Mr. Dennison moved to take up the resolution relative to adopting the rules of the last Senate, for the government of the session, which was agreed to.

Mr. Archbold moved to refer the resolution to a select committee of five.

Mr. Goddard moved to lay the said motion on the table, which was agreed to.

The same gentleman moved to lay the resolution relative to rules on the table, which was agreed to.

The same gentleman moved to take up the preamble and resolutions relative to the revenue power,

Upon which question Mr. Whitman demanded the yeas and nays, which were ordered.

Mr. Bennett moved that the Senate adjourn.

Upon which question Mr. Wilson demanded the yeas and nays, which were ordered, and resulted—yeas 17, nays 19, as follows:

YEAS—Messrs. Archbold, Beaver, Bennett, Claypool, Conklin, Corwin, Ewing, Goddard, Haines, Hendricks, Horton, Myers, Scott, Swift, Vinal, Whitman, and Speaker—17.

YEAS—Messrs. Ankeny, Backus, Blake, Blocksom, Burns, Byers, Chase, Dennison, Dimmock, Dubbs, Enrie, Evans, Graham, Judy, Kendall, Lewis, Patterson, Wilson and Worcester—19.

So the Senate refused to adjourn.

Mr. Goddard moved the adoption of the following:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to appoint two Messenger Boys for the Senate, at a compensation of 75 cents per day each, which shall not be increased during the session.

The Speaker decided the resolution out of order.

Mr. Dennison appealed from the decision of the chair.

The question then being, "shall the decision of the chair stand as the judgment of the Senate?"

Mr. Kendall demanded the yeas and nays which were ordered and resulted—yeas 34, nays 1, as follows:

YEAS—Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Wilson, and Worcester—34.

NAYS—Mr. Whitman—1.

So the decision of the chair was sustained.

The question then recurring on agreeing to the motion to take up the preamble and resolution relative to the revenue power,

Mr. Ewing demanded the yeas and nays which were ordered, and resulted—yeas 6, nays 30, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Dimmock, Goddard, Kendall, Lewis and Vinal—6.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Ewing, Graham, Haines, Hendricks, Horton, Judy, Myers, Patterson, Scott, Swift, Whitman, Wilson, Worcester and Speaker—30.

So the motion was lost.

Mr. Chase moved the Senate take a recess.

Mr. Claypool moved the Senate adjourn, which motion having precedence was put first and carried.

So the Senate adjourned.

Attest:

J. R. KNAPP, Jr., Clerk.

THURSDAY, DECEMBER 14, 1848.

Mr. Chase gave notice that on to-morrow or on some subsequent day of the present session, he would on leave introduce a bill to incorporate the Rossville and Milville Turnpike Road Company.

Mr. Ankeny presented the petition of William C. Brown and 102 other citizens of Guernsey county, for the relief of James M. Snyder, John Devine and William Sharp.

The same gentleman also presented the petition of Simpson George and 48 other citizens of Guernsey, on the same subject.

On motion,

Said petitions were referred to a select committee of one—Mr. Ankeny.

Mr. Worcester moved to take up the resolution for adopting the rules of the last Senate for the government of the present; which was agreed to.

Mr. Chase moved to strike out the "thirty-ninth rule," which reads as follows:

"When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate; provided, nothing in this rule shall be so construed as to prevent Senators from reading papers in argument, according to parliamentary usages."

Mr. Goddard moved to amend by adding after the word "Senate," the following:

"The question being stated, shall the reading be dispensed with."

The question was, on agreeing to the amendment offered by Mr. Goddard, and was decided in the affirmative.

The question then recurred on agreeing to the motion offered by Mr. Chase, and was disagreed to.

The question then was on agreeing to the resolution relative to adopting the rules of the last Senate for the government of the present session, offered by Mr. Bennett, as amended and was agreed to.

So the rules of the last Senate as amended, were adopted until further ordered.

On motion of Mr. Whitman,

Resolved, That the Sergeant-at-arms be instructed to employ two Messenger boys, to act during the session at a compensation of seventy-five cents per day each, which compensation shall not be increased during the session.

Mr. Wilson offered for adoption the following:

Resolved, That a message be sent to the House of Representatives, informing that body that the Senate has now organized by appointing Brewster Randall, Speaker, John R. Knapp, jr. Clerk, and James Arnold, Sergeant-at-arms, and is now ready to proceed to business.

Mr. Beaver moved to amend by striking out all after the word resolved and inserting:

That common report has apprised the Senate (now organized and ready to proceed to business,) that the House of Representatives is not yet fully organized. That the cause of such reported delay is not properly known to the Senate, therefore

Resolved, That a committee of three be appointed by the chair to inquire whether the House of Representatives is or is not organized, if

not, then to inquire how far its organization may have progressed; and what are the causes of the delay, should the report on such inquiry, referred to, be true.

Mr. Corwin moved that the Senate adjourn.

On which motion, Mr. Archbold demanded the yeas and nays, which were ordered; and resulted—yeas 39, nays 6, as follows:

YEAS—Messrs. Ankeny, Backus, Beaver, Bennet, Blake, Blocksom, Byers, Claypool, Conklin, Corwin, Dennison, Dimmock, Emrie, Evans, Ewing, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson and Worcester—39.

NAYS—Messrs. Archbold, Burns, Chase, Dubbs, Lewis, and Spettler—6.

So the Senate adjourned.

Attest:

J. R. KNAPP, jr., Clerk.

FRIDAY, DECEMBER 15, 1848.

The Speaker announced the following standing committees:

On Privileges and Elections—Messrs. Beaver, Burns and Backus.

On the Judiciary—Messrs. Archbold, Dennison, Ewing, Worcester, and Whitman.

On Finance—Messrs. Backus, Byers, Goddard, Chase, and Claypool.

On Claims—Messrs. Horton, Archbold and Scott.

On Public Works and Public Lands—Messrs. Goddard, Dubbs and Vinal.

On Roads and Highways—Messrs. Myers, Evans and Judy.

On Railroads and Turnpikes—Messrs. Blocksom, Hendricks and Myers.

On Schools and School Lands—Messrs. Whitman, Worcester and Wilson.

On Universities, Colleges and Academies—Messrs. Dennison, Chase and Blake.

On Medical Societies and Colleges—Messrs. Bennett, Dubbs and Swift.

On Militia—Messrs. Wilson, Kendall and Dimmock.

On Agriculture—Messrs. Graham, Horton and Byers.

On Manufactures and Commerce—Messrs. Lewis, Scott and Kendall.

On Corporations—Messrs. Corwin, Patterson and Dennison.

On the Currency—Messrs. Ewing, Swift and Conklin.

On Benevolent and Public Institutions—Messrs. Burns, Beaver and Patterson.

On the Library—Messrs. Byers, Kendall and Ankeny.

On the Penitentiary—Messrs. Claypool, Graham and Lewis.

On State Buildings—Messrs. Conklin, Evans and Hendricks.

On New Counties—Messrs. Swift, Dimmock and Haimet.

On Retrenchment—Messrs. Judy, Ankeny and Worcester.

On Public Printing—Messrs. Emrie, Blake and Dimmock.

On Federal Relations—Messrs. Blake, Blockson and Corwin.

On Salaries and Fees of Public Officers—Messrs. Chase, Vinal, and Burns.

On Enrollment—Messrs. Vinal, Scott, and Beaver.

On motion of Mr. Burns,

Resolved, That there be paid to Masters George Johnston and Robert Goby, upon the certificate of the Speaker, the sum of \$6 75 each for their services as messenger boys in the organization of the Senate at its present session, and being for nine days' services each, at 75 cents per day.

Mr. Goddard offered for adoption the following:

Resolved, That the Speaker audit the account of John C. Fraust for attendance during the organization of the Senate, and certify the amount due him.

Which, on motion of Mr. Claypool, was laid on the table.

Mr. Myers gave notice that he would, on to-morrow or some subsequent day of this session, introduce a bill to amend the tax laws of this state.

The same gentleman also gave notice that he would, on to-morrow or some subsequent day of the present session, introduce a bill to amend the act incorporating the Toledo plank road company, passed January 28th, 1848.

The same gentleman also gave notice that he would, on to-morrow or some subsequent day of the present session, introduce a bill to amend an act incorporating the Toledo and Woodville plank road company, passed February 11, 1848.

Mr. Kendall gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill fixing the times of holding the Judicial Courts in the seventeenth judicial circuit.

Mr. Goddard moved that the Senate adjourn until ten o'clock on Monday morning.

On which motion, Mr. Archbold demanded the yeas and nays, which were ordered, and resulted—yeas 26, nays 9, as follows:

MONDAY, DECEMBER 18, 1848.

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YEAS—Messrs. Ankeny, Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Patterson, Swift, Whitman, Worcester and Speaker—26.

NAYS—Messrs. Archbold, Blocksom, Burns, Byers, Chase, Graham, Myers, Scott and Wilson—9.

So the motion was agreed to and the Senate adjourned until 10 o'clock on Monday morning.

Attest:

J. R. KNAPP, Jr., Clerk.

MONDAY, DECEMBER 18, 1848.

Mr. Scott presented the petition of Dedrick Henders for relief, for work done on section 57, Miami Extension Canal, north of St. Marys.

Referred to the standing committee on claims.

Mr. Conklin presented the petition of Wm. W. Cecil of Shelby county, asking the assessment and payment of damages occasioned to his farm by the Miami Canal.

Referred to the standing committee on claims.

Mr. Chase presented the petition of Cyrus Falconer and 150 other citizens of Butler county, praying for the incorporation of the Rossville and Millville Turnpike Road Company.

Referred to a select committee of one—Mr. Chase.

Mr. Ankeny presented the petition of Lewis B. Kingsbury and 180 other citizens of Guernsey county, for the relief of John Devine, James M. Snyder and Wm. Sharp.

Referred to a select committee of one—Mr. Ankeny.

Mr. Worcester presented the petition of Timothy Gibson and 178 other citizens of Huron county, for a modification of the law in relation to the Commercial Hospital of Cincinnati, and the equalization of all laws in relation to the study of medicine.

Referred to the standing committee on Medical Societies and Colleges.

Mr. Vinal presented the petition of George Michal and 142 other citizens of Pike township, Clark county, for such a modification of the laws in relation to the study of medicine and hospital privileges, as will put all the medical colleges in the State on an equality.

Referred to the committee of Medical Colleges and Societies.

Mr. Myers presented the petition of 140 citizens of Perryburg, Wood county, and Maumee City, Lucas county, for an act to incorporate the Perryburg and Maumee Bridge Company;

Referred to the committee on Roads and Highways.

The same gentleman presented the petition of 38 citizens of Wood and Hancock counties, to incorporate the Perryburg and Findley Plank Road Company.

Referred to the committee on Roads and Highways.

The same gentleman presented the petition of 115 citizens of Lucas county, to incorporate a company to build a bridge across the Maumee River, at or near Toledo.

Referred to the committee on Roads and Highways.

Mr. Byers presented the petition of James Stevenson and 19 other citizens of Ashland county, for the election of Andrew H. Paxton, Associate Judge of said county.

Mr. Worcester presented the petition of Jacob Stober and 183 others, for the election of Andrew H. Paxton Associate Judge of Ashland county.

Which were severally laid on the table.

Mr. Scott offered for adoption the following:

Resolved, That the Board of Public Works furnish this Senate, at as early a day as convenient, all of the papers on file in their office, concerning and applicable to the claim of Dedrick Henders, for work done and labor performed on section fifty-seven, (57) Miami Extension Canal. Together with the reasons of the board of claims, consisting of the Board of Public Works, and Attorney General, why the claim was not allowed by said board.

Laid on the table.

Mr. Bennett offered for adoption the following.

Resolved, That the Speaker of the Senate be and he is hereby authorized and required to audit and allow for payment out of the state treasury, the postage accounts of members of the Senate, clerks and sergeant-at-arms, on all letters and papers and on all public documents ordered by either or both houses to be printed, which they may deem proper to frank.

Mr. Goddard moved to amend by striking out the words "Clerks and Sergeant-at-arms."

Mr. Dennison moved to lay the resolution and amendment on the table.

On which motion Mr. Archbold demanded the yeas and nays, which were ordered, and resulted—yeas 20, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Whitman, Worcester and Speaker—20.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Scott and Wilson—15.

So the motion was agreed to.

Mr. Byers offered for adoption the following:

Resolved, That the Sergeant-at-arms of the Senate, call upon the Librarian forthwith, and procure from him the keys of the State House.

Mr. Goddard moved to amend said resolution by adding the following:

"To be kept in his possession until further order of the Senate."

Which was agreed to.

The same gentleman moved to amend by the insertion of the words of the "south outer door," after the word "keys."

On which question the same gentleman demanded the yeas and nays, which were ordered, and resulted—yeas 18, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Scott, Swift, Whitman and Wilson—17.

So the amendment was agreed to.

Mr. Dubbs moved to amend said resolution by striking out all after the word resolved, and insert the following:

"That the State Librarian be required to deliver up to the Sergeant-at-arms of the Senate, all the keys belonging to the doors of the State House."

On which motion, Mr. Beaver called for a division of the question.

The question then turning upon striking out.

Mr. Goddard demanded the yeas and nays which were ordered and resulted—yeas 17, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Scott, Swift, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the Senate refused to strike out.

Mr. Emrie moved to refer the resolution as amended, to the committee on the Library.

Upon which motion Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Scott, Swift, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

On motion of Mr. Myers said resolution, as amended, was laid on the table.

Mr. Archbold moved that the Senate take a recess.

Mr. Goddard moved that the Senate adjourn, which motion having the precedence was put first.

Mr. Archbold demanded the yeas and nays, which were ordered, and resulted—yeas 19, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Myers, Swift, Vinal, Whitman, Worcester and Speaker—19.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Judy, Scott and Wilson—16.

So the Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

TUESDAY, DECEMBER 19, 1848.

Mr. Conklin presented the petition of George Leyman, and 37 other citizens of Orange township, Shelby county, praying for an amendment to the school laws.

Referred to the standing committee on schools and school lands.

Mr. Hendricks presented the petition of Henry Shideler and fifty other citizens of Preble and Montgomery counties, for corporate au-

thority to make a free turnpike from Carrollton, in Montgomery county to Eaton, in Preble county.

Referred to a select committee of two—Messrs. Hendricks and Conklin.

The same gentleman presented the petition of Eli W. Minor, of Preble county, asking for damages for losses sustained by him for official acts, as constable in Warren county, by enforcing the black laws.

Referred to the committee on the judiciary.

The Speaker laid before the Senate the depositions in the matter of the contest of the election of Valentine Chase as Senator from the Butler county district by John H. Elliott.

Also, the depositions in the matter of the contest of the election of George D. Hendricks, as Senator from Montgomery and Preble counties.

Which were severally referred to the committee on privileges and elections.

On motion of Mr. Beaver,

The certificates of the Senators elect were taken up and

Referred to the standing committee on privileges and elections.

Mr. Archbold offered for adoption the following:

WHEREAS, the strict preservation of public faith is of vital importance to the well being of states and communities, and the preservation of the organic laws in purity and vigor, is not less important—Therefore

Resolved, That the committee on the judiciary be instructed to inquire into the constitutional validity of the several statutes authorizing the State Auditor to levy taxes to pay the interest on our state debt, and for other purposes. And whether any additional legislation on that subject is necessary, with leave to report by bill or otherwise.

Mr. Goddard moved to amend by adding the following, which was agreed to.

And also to inquire into the constitutionality of the laws which delegate to county commissioners, township trustees and others, the power to levy taxes.

The question then was on agreeing to the adoption of the preamble and resolution as amended.

On motion of Mr. Claypool,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

WEDNESDAY, DECEMBER 20, 1848.

Mr. Scott presented the petition of Wm. K. Daggett, Thos. Wentworth, and Wilson H. Snooks, trustees, and 39 other citizens of Caryl township, Paulding county, for the reduction of the minimum price of section 16 in said township to \$2.50 per acre, to be sold to actual settlers only.

Referred to select committee of one—Mr. Scott.

Mr. Goddard moved that the Senate adjourn.

On which question, Mr. Archbold demanded the yeas and nays, which were ordered, and resulted—yeas 19, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

So the Senate adjourned.

Attest

JOHN R. KNAPP, Jr., Clerk.

THURSDAY, DECEMBER 21, 1848.

Mr. Haines moved that the Senate adjourn.

Upon which question Mr. Archbold demanded the yeas and nays, which were ordered and resulted—yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—19.

So the Senate refused to adjourn.

Mr. Myers presented the petition of 98 residents and tax-payers of Chesterfield township, Lucas county, for the erection of the new county of Fulton.

Referred to the committee on new counties.

Mr. Chase moved to take up the resolution of inquiry concerning the State Auditor's power of taxation.

Mr. Claypool demanded the yeas and nays thereon, which were ordered, and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

On motion of Mr. Wilson,

The resolution relative to the payment of John C. Fraust for services in attendance on the Senate, was taken up.

The question then was on agreeing to the resolution and was decided in the affirmative.

Mr. Whitman moved to take up the resolution of Mr. Byers, relative to the keys of the State House.

Mr. Beaver demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

So the motion was lost.

On motion of Mr. Dimmock,

The resolution and amendment, relative to the postage of members &c., was taken up.

On motion of Mr. Claypool,

Said resolution and amendment were referred to the committee on the judiciary.

Mr. Archbold, on behalf of himself and such friends as might choose to join with him, gave notice that they would enter their protest on the journal against the action of the Senate in refusing to permit an

inquiry into the validity of our laws deputing the power of taxation to the State Auditor, by arbitrarily refusing to take the resolution from the table.

On motion of Mr. Swift,
The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

FRIDAY, DECEMBER 22, 1848.

Mr. Ewing presented the petition of Hon. W. M. McCarty, on behalf of the Legislature of Indiana, asking the enactment of a law granting the right of way to the Harrison, New Trenton and Brookville Turnpike Company.

Referred to the standing committee on Rail Roads and Turnpikes.

Mr. Archbold moved to take up the "resolutions of enquiry concerning the State Auditor's power, relative to taxation."

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Archbold presented the protest of himself and others, against the action of the Senate in refusing to permit an inquiry into the validity of our laws deputing the power of taxation to the State Auditor, by arbitrarily refusing to take the resolution from the table.

Which protest was read.

Mr. Archbold demanded that it be entered upon the Journal of the Senate.

Mr. Conklin raised a question of order, which he reduced to writing, as follows:

Whether it is the constitutional right of any two members of the Senate, to dissent from and protest against a refusal of the Senate to take up a resolution from the table.

The Speaker decided the question in the negative.

Mr. Ewing appealed from the decision of the chair, and stated his points upon which he based his appeal. That the absolute refusal of the whig senators to take up the resolution of inquiry, was an act of omission, and was in all its effects equivalent to any other act which is contemplated in the tenth section of the constitution, which recites that "any two members may protest against any act or resolution, which they (the members,) may think injurious to the public or any individual, and have the reason of their dissent (from such,) entered upon the Journal."

The question then being, "shall the decision of the chair stand as the judgment of the Senate?"

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted—yeas 20, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Vinal, Swift, Whitman and Worcester—20.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blockson, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Patterson, Scott and Wilson—15.

So the question was decided in the affirmative and the decision of the chair was sustained.

Mr. Archbold gave notice on behalf of himself and such gentlemen as may see fit to join with him, that they will enter their protest against the act and resolution of the Senate, in refusing to enter their former protest on the journal, concerning the suppression of the resolution to inquire into the financial authority of the Auditor of State, and that they will enter their protest on the journal.

On motion of Mr. Goddard, the Senate adjourned until ten o'clock on Monday morning.

Attest:

J. R. KNAPP, Jr., Clerk.

MONDAY, DECEMBER 25, 1848.

Mr. Conklin moved that the Senate adjourn until Wednesday morning at 10 o'clock, which was agreed to.

So the Senate adjourned.

Attest:

J. R. KNAPP, Jr., Clerk.

WEDNESDAY, DECEMBER 27, 1848.

Mr. Judy presented the petition of R. Jennings and 55 other citizens, for the passage of a law abrogating capital punishment.

Referred to a select committee of three—Messrs. Judy, Myers and Conklin.

Mr. Backus presented the petition of H. P. Payne and 7 others, members of the City Council of Cleveland, asking for the alteration of the city charter, for the purpose of increasing the salary of clerk.

Referred to a select committee of one—Mr. Backus.

Mr. Myers presented the petition of 42 citizens of Wood county, for the passage of an act to construct a free turnpike on the Fort Defiance and Lower Sandusky state road.

Referred to the standing committee on Rail Roads and Turnpikes.

On motion of Mr. Myers

Resolved, That the Auditor of State, be and he is hereby requested, to communicate to the Senate at his earliest convenience, whether the Collectors of Tolls upon the State Canal, return to his office weekly or monthly, rolls or sheets purporting to contain the amount they receive respectively upon each clearance; and also, whether the said collectors, enter upon said rolls or sheets, the amount received upon each clearance by the collectors next to their office upon said canals, and intended as a check upon each other; and if such returns are received at his office, whether it has been or is now the practice in his office to compare each annual return received upon each and every clearance and credited upon said rolls or sheets by the collector receiving it, with the entry or check kept and returned by the next collector in route upon said canals.

On motion of Mr. Dennison,

Resolved, That a committee of three members be appointed to examine the journal of the late session, and report the unfinished business of the same.

The Speaker announced Messrs. Dennison, Burns and Claypool; as said committee.

On motion of Mr. Goddard,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

THURSDAY, DECEMBER 28, 1848.

Mr. Vinal presented the petition of the trustees of Springfield township, Clark county, for the passage of a law authorizing them to subscribe money for the erection of a Town Hall in said town of Springfield, and to establish said Hall as the place of holding elections.

Referred to a select committee of one—Mr. Vinal.

Mr. Kendall presented the petition of Thomas Lawson and 121 other citizens of Scioto county, for the passage of a law to prevent the destruction of deer between the first days of January and September.

Referred to a select committee of two—Messrs. Kendall and Horton.

Mr. Lewis presented the petition of 82 citizens of Jefferson county, for a law making provision for the repair of the public roads, as to authorize the supervisor to employ a sufficient force to repair the same, that a tax may be levied on all property to meet the expenses thereof.

Referred to the standing committee on Roads and Highways.

Mr. Archbold offered for adoption the following:

1st. *Resolved*, That the Auditor of State be and he is hereby requested to report to the Senate, at the earliest practicable period, the amount of bonds issued since the 8th day of February, 1847, to the creditors or stockholders of any turnpike company, or in any manner whatsoever, on account of the liability of this state as a subscriber to the capital stock of any turnpike company.

2d. What amount of said bonds or other evidences of indebtedness have been redeemed since that date, if any, and what amount of surplus revenue (repaid by the several counties) has been applied in the redemption of the same.

3d. What amount of surplus revenue has been returned to the state treasury from the counties since the 15th day of November, 1846, and what disposition has been made of the same.

4th. What interest has been possessed by the Honorable William Bebb, Governor of Ohio, since the last named date, in any turnpike company, either as stockholder, creditor or otherwise, in which this state has at any time been a stockholder.

5th. That he be requested to answer the same question in regard to the Honorable John Woods, Auditor of State.

6th. That he be requested to answer the same question in regard to the Honorable Joseph Whitehill, late treasurer of State.

Mr. Goddard moved to lay said resolutions on the table.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted—yeas 17, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennet, Blake, Claypool, Conklin, Denni-

son, Goddard, Haines, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Ewing, Myers, Patterson, Scott, Whitman, and Wilsop—15.

So the motion was agreed to.

Mr. Myers offered for adoption the following:

Resolved by the General Assembly of the State of Ohio, That we believe that the laws of this State for the levying and collection of taxes should be so amended as to require banks to be taxed upon all bills, notes or other evidences of debt belonging to such banks, and upon which they receive interest or income, the same as such bills, notes or other evidences of debt are now subject to taxation in the hands of, and belonging to, individuals; and also, said laws should be further amended so that all stocks held by citizens of this state in banks or other incorporated companies of other States shall be subject to taxation in this state the same as bonds and mortgages held by citizens of this state against citizens of other states, now are.

Therefore be it further Resolved, That the judiciary committee be and they are hereby instructed to report a bill embracing the amendments contained in the foregoing resolution, and incorporating in said bill such provisions as may be necessary to compel said banks to pay taxes for all purposes for which money at interest is now subject to be taxed, at the place where such banks may respectively be located, and also for the equitable and proper distribution of taxes assessed upon said banks.

Mr. Bennett moved to refer said resolutions to the standing committee on Finance.

Mr. Whitman moved that they be laid upon the table and ordered to be printed.

Mr. Goddard called for a division of the question, which being on agreeing to lay on the table, was put and carried.

The question then turning upon ordering to print,

On motion of Mr. Goddard,

The motion to print was laid upon the table.

Mr. Beaver gave notice that on to-morrow or some other day during the present session, he would ask leave to bring in a bill to incorporate the Western Reserve Farmers' Insurance company.

On motion of Mr. Wilson,

The Senate adjourned,

Attest:

JOHN R. KNAPP, Jr., Clerk.

FRIDAY, DECEMBER 29, 1848.

Mr. Ankeny presented the petition of Newell Kennon and 41 other citizens of Guernsey county, for the relief of John Devine, James M. Snyder and William Sharp.

Referred to a select committee of one—Mr. Ankeny.

Mr. Myers offered the following preamble and resolution for adoption:

WHEREAS, In respect of its printing, or the appointment of a person to execute it, each House of the General Assembly, is independent of the other. The right of each branch to print and publish its reports, resolutions and other proceedings, independent of the control of the other branch, would seem to be a most necessary power. This Senate possesses all the powers that any Senate has possessed since the formation of the constitution; its legitimate powers cannot be abridged by any law which has been passed by a prior legislature. This is too clear for argument," therefore be it

Resolved, That _____, be and he is hereby appointed printer for the Senate during the present session, and the Clerk of the Senate is hereby authorized to enter into the necessary arrangements with the said _____, for the execution of the printing of the Senate, provided the same shall not cost more than was paid for similar kinds of work of the last session of the General Assembly.

Mr. Ankeny moved to fill the blank with the name of "Samuel Medary."

On motion of Mr. Whitman,

The preamble and resolution, with the pending amendment, were laid on the table.

Mr. Blake offered for adoption the following:

1. **Resolved**, by the General Assembly of the State of Ohio, That the existence of human slavery within the limits of the United States is a great calamity, an unparalleled, moral and political evil, which ought to be abolished as soon as that end can be constitutionally accomplished.

2. **Resolved**, That the people of this State, do strenuously demand the application of the ordinance of 1787, by an act of congress, so far as said ordinance relates to slavery, to all the territories of the United States, and especially to all that territory recently acquired from the republic of Mexico, and this General Assembly in behalf of the people, do hereby solemnly protest against any compromise on this subject whatever.

3. **Resolved**, "That the proviso of Jefferson, to prohibit the extension of slavery, after 1800, in all the territories of the United States, southern and northern; the votes of six States and sixteen delegates, in the Congress of 1781, for the proviso, to three States and seven delegates against it; the actual exclusion of slavery from the north-western territory by the ordinance of 1787, unanimously adopted by the States in congress, and the entire history of that period, clearly

show that it was the settled policy of the nation, not to extend, nationalise or encourage, but to limit, localise and discourage slavery ; and to this policy, which should never have been departed from, the government ought to return."

4. *Resolved*, That the constitution of the United States was ordained, "in order, among other great national objects, to establish justice, promote the general welfare, and secure the blessings of liberty, but expressly denies any power to the federal government, to deprive any person of life, liberty or property, without due legal process."

5. *Resolved*, That in the judgment of this General Assembly, "Congress has no more power to make a slave, than to make a king, no more power to institute or establish slavery, than to institute or establish a monarchy, no such power can be found among those specifically conferred by the constitution or derived by just implication from them."

6. *Resolved*, That it is the duty of the federal government, to abolish slavery in the district of Columbia, and to relieve itself from all responsibility for the existence or continuance of slavery wherever the government possesses constitutional authority to legislate on that subject.

7. *Resolved*, That the people of Ohio, feeling that they are indebted for their unexampled prosperity to the ordinance of Congress, of 1787, excluding slavery from the northwestern territory, demand "free soil," "free speech," "free labor," "free men" and a "free world."

8. *Resolved*, That the Governor be requested to furnish copies of the foregoing resolutions to the Senators and Representatives in Congress, from this State, and one copy to the Governor of each State in this Union.

Mr. Ewing moved to strike out the words "resolved by the General Assembly of the State of Ohio," and insert "resolved," which was agreed to.

On motion of Mr. Blake,

Said resolutions were referred to the standing committee on Federal Relations.

Mr. Archbold gave notice that on to-morrow or some subsequent day of the present session, he would introduce a bill concerning the powers and duties of the State Auditor.

Mr. Dennison gave notice, that on to-morrow or some subsequent day of the present session he would ask leave to introduce a bill supplementary to the "act to provide for the taking of depositions," passed March 3, 1831.

On motion of Mr. Vinal,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr. Clerk.

SATURDAY, DECEMBER 30, 1849.

Mr. Ewing presented a petition of the officers of the Ohio Institution of Natural Science for an act of incorporation.

Referred to a select committee of one—Mr. Ewing.

Mr. Worcester presented the petition of citizens of Huron county for the incorporation of a company to construct a plank road from Milan, in Erie county, to New Haven and Plymouth, in Huron county.

Referred to a select committee of one—Mr. Worcester.

Mr. Judy presented the petition of Thomas Stuart, guardian of Jonathan Stuart, for the admission of said Jonathan into the Lunatic Asylum.

Laid on the table.

Mr. Vinal gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to present a bill to incorporate the Springfield Hydraulic company, in Clark county.

And also, a bill to incorporate the Springfield and Columbus Rail Road Company.

Also, a bill to incorporate the Springfield Female Seminary, in the county of Clark.

Also, a bill authorizing Presbyterian Churches, or societies by whose discipline the office of deacon is recognized, to elect those deacons trustees of such society or church.

Also, that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to incorporate the Evangelical Lutheran St. John Congregation of Springfield, Clark county, Ohio.

Mr. Bennett offered the following resolution for adoption:

Resolved, That the Sergeant-at-arms be directed to call on the Secretary of State for one copy of an index to the the general and local laws, for each member of the Senate.

Mr. Goddard moved to amend said resolution by adding the following:

And that upon delivering them to the members, the Sergeant-at-arms take receipts from them, promising to deliver the said books, and also the laws, journals and volumes of documents already received, to him before the end of the session.

The question being upon agreeing to the amendment was put and disagreed to.

The resolution was then adopted.

Mr. Archbold offered the following preamble and resolutions for adoption:

WHEREAS, the regulation which requires notice of all bills reported in either House to be immediately given to the other, is but a mere joint rule of former General Assemblies suitable to their situation, but unsuited to ours, and not having been in any wise adopted by

this General Assembly, is not binding upon us, but would now be productive of much unnecessary delay and occasion the loss of much valuable time; and past experience has fully taught us that the committees of the Senate are much straitened for want of time, and it is desirable that this Senate, not only proceed advisedly and with due deliberation, but also so shape its action as, if possible, to prevent the necessity of a long session—Therefore be it

Resolved, That the members of the Senate have liberty to introduce bills of which one day's notice has heretofore been given, and also any other bills upon giving one day's notice.

Resolved, That as soon as the Senate shall have received notice of the organization of the House of Representatives, a message shall be dispatched to that body, giving notice of all bills introduced.

Resolved, That the Senate will afterwards concur with the House in such joint order on the subject as may upon reflection be deemed reasonable.

Mr. Kendall moved to lay said preamble and resolutions upon the table.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Dennison, Goddard, Haines, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Ewing, Myers, Patterson, Scott, Whitman and Wilson—15.

So the motion was agreed to.

On motion of Mr. Vinal,

Resolved, That the committee on the judiciary be, and they are hereby instructed to inquire into the constitutionality and expediency of so amending the "act securing the benefits of the writ of habeas corpus" as to make the proceedings before the judge, where upon a full hearing the person detained was remanded or restored to the custody of the person detaining him, a bar to any further proceedings under that act for the same imprisonment or detention.

Mr. Archbold, agreeably to previous notice introduced the following bill:

S. No. 1; A bill concerning the powers and duties of the State Auditor.

Mr. Beaver raised a question of order, which he reduced to writing, as follows:

Is it proper to introduce bills on leave or otherwise previous to the organization of both Houses of the General Assembly, and notice of that fact had in both branches.

The Speaker decided the question in the negative, and gave the following as his reasons:

"The Chair is of the opinion that it is not in order to introduce a bill or resolution that must be acted upon in the lower branch of the legislature, prior to the Senate being informed of the fact that that branch is organized."

Mr. Goddard moved to take up the resolutions calling on the Auditor of State, for information relative to the issue of state stocks to Turnpike Companies, &c.

Which was agreed to.

The same gentleman moved to amend said resolutions by striking out the words "the honorable," whenever it occurs.

Which was agreed to.

The resolutions as amended, were then agreed to.

Mr. Bennett offered for adoption the following:

Resolved, That the Auditor of State is hereby requested to lay before the Senate, at his earliest convenience, a tabular statement of the amount of taxes paid into the state treasury by the several banks of this State during the past year.

Also, in a parallel column, the amount which would have been by them respectively so paid; had they been taxed in accordance with the provisions of the "act for levying taxes on all property in this State, according to its true value," passed March 2, 1846

Mr. Whitman moved to amend said resolution, by adding the following:

"And also, that he state in a separate column, what tax the said banks would have paid if all their notes and discounts had been taxed."

Mr. Bennet offered for adoption the following as an amendment to the amendment.

"Making such deductions as other money lenders are now allowed by law to make upon money at interest."

Mr. Backus moved to refer the resolution with the pending amendments, to the standing committee on Finance.

Mr. Whitman moved to lay the resolutions and pending amendments, upon the table.

The same gentleman demanded the yeas and nays, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Ewing, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Denison, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was disagreed to.

WEDNESDAY, JANUARY 3, 1849.

The question then recurring on agreeing to refer the resolution and pending amendments to the standing committee on Finance.

Mr. Whitman moved to instruct as follows:

"To report as their action in the premises, the tabular statement of the condition of the banks of Ohio, as made out by the Auditor of State, of date November, 1848."

On motion of Mr. Byers,

The Senate adjourned until Tuesday morning at 10 o'clock.

Attest:

JOHN R. KNAPP, Jr., Clerk.

TUESDAY, JANUARY 2, 1849.

Mr. Goddard moved that the Senate adjourn.

Mr. Archbold demanded the yeas and nays which were ordered, and resulted—yeas 28, nays 7, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Blocksom, Burns, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Haines, Horton, Judy, Kendall, Lewis, Swift, Vinal, Whitman, Wilson and Worcester—28.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Byers, Graham, Myers, Scott and Speaker—7.

So the Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

WEDNESDAY, JANUARY 3, 1849.

Mr. Claypool moved a call of the Senate, which was ordered and Messrs. Burns, Byers, Conklin, Graham, Hendricks, Myers and Wilson, were found absent.

On motion of Mr. Goddard,

All further proceedings under the call were dispensed with.

Mr. Beaver presented the petition of sundry inhabitants of Trumbull county, for a charter for a Plank Road Company; also for a general law on the same subject.

The same gentleman also presented the petition of citizens of Trumbull county, for a Plank Road from Grand River, in Lake county, to Warren, in Trumbull county.

Which were severally referred to a select committee of one—Mr. Beaver.

Mr. Ankeny presented the petition of Wm. Armstrong and 26 other citizens of Guernsey county, for the election of Robert Reed and Zaddock Davis, Associate Judges for said county.

Laid on the table.

Mr. Hafnes presented the petition of Walter Ward and 78 others, praying for an amendment of the law relative to the Lunatic, Asylum and Commercial Hospital of Cincinnati.

Referred to the standing committee on Medical Societies and Colleges.

Mr. Worcester presented the petition of M. W. Barrows and 17 others, for the election of Andrew H. Poxton, Associate Judge of Ashland county.

Laid on the table.

Mr. Blocksom presented the petition of Richard Stock and 108 other citizens of Columbiana county, for the repeal of the black laws.

Referred to a select committee of three—Messrs. Beaver, Burns and Lewis.

Mr. Goddard offered the following for adoption:

Resolved, That the time of the members of this General Assembly, will be most usefully employed in a strict attention to those affairs which concern our own state policy, leaving the consideration of national questions to the Congress of the nation.

Resolved, That the experience of the past, having shown us that the unanimous voice of the Ohio Legislature, protesting against the annexation of Texas, could not prevent that great disaster, nor even influence her own members in Congress to oppose it, the true dignity, proper pride, and just self-respect of this great free state of the north-west, will be best supported by a studied abstinence from all expression of opinion on kindred subjects hereafter.

On motion of the same gentleman, said resolutions were laid on the table.

Mr. Archbold offered for adoption the following:

WHEREAS, sound policy demands a speedy settlement of the present national domain by actual cultivators. And a great and magnanimous nation will ever be anxious to signalize its liberality to the valiant men, who generously peril their lives in the cause of their country, therefore

Resolved, That our Senators and Representatives in Congress, be earnestly requested to use their exertions to procure the passage of an act allowing bounty lands to all officers below the rank of Brigadier General.

Resolved, That a copy of the foregoing, be forwarded to each of our Senators and Representatives in Congress.

Mr. Claypool moved to lay said preamble and resolutions upon the table.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 9, nays 25, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Claypool, Conklin, Goddard, Haines, Horton, Kendall and Lewis—9.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Bennett, Blake, Blocksom, Byers, Chase, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Hendricks, Judy, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—25.

So the motion was lost.

Mr. Vinal moved to amend said preamble and resolution, by adding the following:

Provided said officers will become actual settlers upon the land so granted.

Mr. Burns offered the following as an amendment to the amendments:

Provided further, that in settling upon such bounty lands, the officers and soldiers shall not be welcomed with "bloody hands to hospitable graves."

The question being upon agreeing to the amendment to the amendment.

The same gentleman demanded the yeas and nays, which were ordered and resulted—yeas 16, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, and Whitman—16.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Wilson, Worcester and Speaker—19.

So the amendment to the amendment was disagreed to.

The question then being on agreeing to the first amendment,

Mr. Wilson demanded the yeas and nays which were ordered, and resulted—yeas 7, nays 28, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Corwin, Horton, Kendall, Lewis, Vinal and Worcester—7.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Bennett, Blake, Blockson, Burns, Byers, Chase, Claypool, Conklin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Haines, Hendricks, Judy, Myers, Patterson, Scott, Whitman, Wilson and Speaker—25.

So the amendment was lost.

The question turning upon agreeing to the preamble and resolutions,

Mr. Archbold moved to amend by adding the following, after the word officers, "who served in the Mexican war," which was agreed to.

Mr. Backus moved the following as an amendment to the preamble and resolutions:

Resolved further, That our Senators and Representatives in Congress, be in like manner, requested to use their exertions to procure the passage of an act allowing bounty lands to officers of the like grade and to all soldiers who served in the late war with Great Britain, who have not heretofore received such bounty.

Mr. Hendricks moved to amend the amendment by adding the following:

And also the officers and soldiers who served in the Indian wars from the year 1788 to 1849; provided, that nothing herein contained shall be construed as an approval of the conduct of the President of the United States, in having commenced the late war with Mexico.

Mr. Kendall moved to lay the resolutions with pending amendments, on the table.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blockson, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—19.

So the motion was lost.

The question then being on agreeing to the amendment to the amendment,

Mr. Goddard moved that the Senate adjourn.

Mr. Ankeny demanded the yeas and nays thereon, which were ordered, and resulted—yeas 18, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blockson, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

So the Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

THURSDAY, JANUARY 4, 1849.

On motion of Mr. Burns,

The rules were suspended and the following resolution was taken up and adopted:

Resolved, That a message be sent to the House of Representatives informing that body that the Senate has now organized by appointing Brewster Randall, Speaker; John R. Knapp, Jr., Clerk, and James Arnold, Sergeant-at-arms, and is now ready to proceed to business.

Mr. Chase presented the petition of Robert B. Milliken and 41 others for the incorporation of the Hamilton, Rossville, Millville and Scipio Turnpike Road Company.

Also, the petition of James Hall and 27 others on the same subject.

Also, the petition of Isaac Clark and 47 others on the same subject.

Said petitions were severally referred to a select committee of one—Mr. Chase.

Mr. Archbold presented the following protest, on behalf of himself and others to be entered upon the journal:

WHEREAS, Fifteen Senators on the 22d day of December, 1848, in pursuance of regular notice, presented their protest in the following words:

We, the undersigned Senators, having witnessed with surprise and regret the apparently invincible determination of the Senate not to permit an inquiry, by the judiciary committee of this body, as to the constitutionality of the enactments delegating the taxing power to the State Auditor, dissent from and protest against the action of the body in this behalf. We make no imputation upon the motives of our brethren. Neither do we ascribe their conduct to a conviction, in their own breasts, that the constitutionality of these enactments can not be defended in the field of argument, though we are aware that an impartial world will infallibly draw that conclusion.

But we feel that the stifling of inquiry is, itself, invidious and odious and must prove injurious to the public interest.

Truth and right have nothing to fear from inquiry and investigation, and we feel bound to protest against the arbitrary determinations of this body precluding that inquiry and investigation. And in doing so we shall be compelled to open up a pretty wide field of discussion concerning our financial affairs.

The taxing power, in other words, the power of taking part of the citizen's substance for public purposes, is regarded by jurists as one of the highest exertions of sovereign authority. Of the two powers in a state, that of the purse and that of the sword, Blackstone pronounces the former to be the more important, for, as money constitutes the sinews of war, without a plentiful supply the sword would soon fall idly from the hand that holds it. Animated by a manly jealousy of power, the Commons of England have taken sole custody of the purse, while

they have left the crown in possession of the sword. All bills for raising supplies, all bills which either levy new taxes or increase the amount of old ones, must begin in the House of Commons. The Peers must either approve or reject in toto. The slightest amendment in their House is wholly inadmissible and would infallibly occasion the rejection of the bill by the other House.

It is in no spirit of servile imitation that a similar provision is engrafted into the federal constitution. "All bills for raising revenue shall originate in the House of Representatives." The men who composed the convention of 1787 were not imitators, but bold, original thinkers. They reflected that the Senators, elected not immediately by the people but by an intermediate authority, holding their seats for a long term, and being generally men of considerable wealth, might become too liberal of the people's substance. They feared that this wealthy and permanent body would be destitute of that warm and ready sympathy with the people and with their burthens and difficulties which would be necessary to qualify them for the delicate and important task of originating money bills. From these considerations, this trust was committed to the people's immediate representatives, where it was supposed to be least liable to abuse. Such are the safeguards provided by the founders of our national government to prevent wasteful prodigality of the people's money; safeguards which have not in practice proved useless or unnecessary. A respectable State of this Union has improved on this idea. She has made a majority of her House of Representatives, a quorum in all cases, except "raising a tax," on which occasion "two-thirds at least must be present."

But a most anomalous state of things exists, at present, in Ohio. No such jealousy of the abuse of the taxing power. No apparent or perceptible care to prevent the people from being loaded with enormous and almost insupportable burthens. No public discussion; no easy means of investigation. But the General Assembly, by its annual act is seen collecting a trifling sum for ordinary expenses, and the State Auditor, by his annual act, collecting more than a million. This singular state of things has led some well meaning persons to contend that the taxing power, in this state, is of a merely ministerial and executive nature, for the drib which in practice remains with the General Assembly, is almost unworthy of notice. That this important function is, in fact, exercised by one man, no one is hardy enough to deny. But we contend that his authority is essentially of a legislative nature and that it is an abuse of language to call it executive and ministerial. The corresponding authority in the national government is legislative in its character. The 6th section of the federal constitution provides that "The Congress shall have power to levy and collect taxes, duties, imposts and excises to pay the debts and provide for the common defence and general welfare of the United States." This text has found a commentator in the person of Alexander Hamilton. In the 33d number of the Federalist, he says: "What is a power but the ability or faculty of doing a thing? What is the ability to do a thing but the power of employing the means necessary to its execution? What is a legis-

lative power but a power of making laws? What are the means to execute a legislative power but laws? What is the power of laying and collecting taxes, but a legislative power or a power of making laws to lay and collect taxes? What are the proper means of executing such a power, but necessary and proper laws?" After some further remarks he adds: "I have applied these observations thus particularly to the power of taxation, because it is the immediate subject under consideration and because it is the most important of the authorities proposed to be conferred on the Union."

Are we then in this anomalous condition? Is the power of the purse a subject of legislative discretion in all other communities and is it a mere executive function in Ohio? What would be thought of a proposition in Congress to invest the Secretary of the treasury with power to levy duties on imports, to pay the interest on our national debt, or in other words, to increase or diminish the tariff at his discretion?

The boundaries of legislative power may at times appear somewhat shadowy, yet it is believed that they can in general be pretty clearly discerned. Every Senator will at once admit, that the General Assembly could not give judgment in an action of trespass or slander or replevin, between individuals. To do so would be to invade the province of the judiciary. Neither could the Assembly rightfully send its committees to train the militia or execute mesne or final process. But when it is asked whether this body could constitutionally lay a tax to pay the interest on the state debt, no man is hardy enough to answer in the negative. Our constitutional authority is admitted!!! Then if we can exercise this function is it not because it is of a legislative nature? Can this body perform an act not essentially of a legislative character? Can the self same act be essentially legislative when performed by this Assembly and essentially ministerial when performed by an individual? Can two distinct tribunals perform the self same action according to the provisions of the constitution? Can there be two legislatures under that instrument? Let its own words answer. The very first section of the first article of the constitution declares that "The legislative authority of this state shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives, both to be elected by the people."

We repeat that it is admitted on all hands that the General Assembly can constitutionally perform the same acts which the State Auditor has in fact performed for a number of years past. But the General Assembly can perform none but legislative acts, therefore the power in question is of a legislative nature. And if of a legislative nature, no other individual or collection of individuals can exercise it; for the legislative authority of this state is granted by the people to their General Assembly and to no one else. If there is any difficulty in proving this proposition it lies in the fact that it is so plain as not to admit of further illustration.

When the Bishop of Cloyne boldly denied the independent existence of matter, and affirmed that it had no existence except in the minds which perceived it; that to be and to be perceived, when pred-

icated of the material world, amounted to the same thing, he stumbled upon the dogma the most absurd and astonishing ever presented to the human understanding and yet the most difficult of disproof. Let any man consider how he will go about to prove in words the existence of this great world and all the objects on its surface. We feel the pressure of this difficulty in endeavoring to prove that a function which can be performed by the General Assembly, can be constitutionally performed by no one else.

We indulge in a digression to remark that the public creditors have no cause of alarm from the discussion of this question. Their claims can only be endangered by identifying them with an odious and invidious enactment, which the people are determined to repeal. The citizens of Ohio well understand that the questions, whether a debt shall be contracted, and whether it shall be paid after being contracted, are radically and essentially distinct. Repudiation has no advocates in Ohio, and is abhorred by none so much as by those very men who are assailed by an insensate clamor, as jacobins and repudiators. We shall, therefore, examine the practical bearings of this delegation of the taxing power unawed by clamor, unmoved by calumny. What is the genius then of this institution? What was the leading idea which produced this alienation of a trust confided to the General Assembly by the People in their constitution? We reply that the State Auditor must grant the same sums which would otherwise be granted by the General Assembly, or he must grant greater or he must grant less. To invest him with this enormous power in order that he might perform the same actions which the General Assembly would otherwise perform, and in the same manner, would be perfectly futile. To say that he would be more frugal, and grant smaller sums than the Assembly, would contradict the professions of the authors of this institution. Such was not their ostensible motive. Such were not their professions.—They proclaimed to the first money lenders, who were generally non-residents, and not intimate with our organic institutions, that they had dug out a fountain whose waters would forever flow in a clear, perennial stream, liberal, abundant and swelling. Then the design unquestionably was that this great, financial potentate should be more liberal, more profuse, more prodigal of the people's money than their own representatives would be. Whether these enactments are constitutional or not, they are defended by their friends on the ground that they are fundamental laws, too sacred to be touched by the hand of legislation. Is that a sound element of public credit which introduces into the organic institutions of a State boundless prodigality and wastefulness? Is not public, like private credit, best supported by the homely but necessary virtues of order, economy, frugality? Our actual history is the best commentary on the text of these laws; the accumulation of debt has been rapid, sudden and enormous. This young and growing community is as heavily burthened with debt and taxation as many of the monarchies of Europe.

It will not be pretended that the convention which framed our constitution anticipated or foresaw the creation of this great pecuniary

potentate. The genius of that instrument requires that the members of the Assembly, when they adopt measures which must eventuate in increased taxation should themselves be seen enacting that increased taxation. The real and the ostensible should be kept strictly connected. Their separation involves danger of popular error and delusion. If members covet the pleasing task of doing the bountiful, the generous, the munificent, they should be held to the performance of the invidious task of laying on public burthens. The separation of these functions materially impairs the checks and balances of the constitution. The people ought not, under the pressure of their necessary and laudable private pursuits, to be compelled to trace remote consequences in order to judge of the conduct of their deputies. The sovereign people have a right to easily accessible sources of information concerning their financial affairs. But now no public statute informs them of their ever increasing burthens; and if they consult the Journals, they are equally barren of information. But a silent ukase steals round to each county auditor from our money monarch, prescribing to every citizen, as a rule of civil conduct, that he shall provide and pay sums of money almost beyond his ability? Were the people in convention now to amend their constitution, is it likely that they would permit a separation of these two functions? Would they clothe an Assembly with the power of passing Statutes incurring consequential expenditures or authorizing loans; and an individual with the power of granting supplies and levying taxes to pay the interest, we might well say of granting or withholding supplies, for one instance at least has occurred of an auditor refusing to levy taxes for the sinking fund. If no constitutional convention would make such a provision, originally, is not the presumption pretty strong that they have not in reality authorized the General Assembly to do so? Where is the constitutional grant of power to create this money-monarch? Let the supporters of the throne point out the text of the constitution which authorizes its erection!

It is said that it is a mere ministerial function, a matter of detail, to compute the interest on our State debt. Is there never any dispute about the amount or validity of debts? Does no man ever vamp up or varnish over an unjust claim on the public treasury? Is there no danger of forgery, none of fraud? Are we freed from all danger of treachery or combination amongst the host of officials, who must in one way or other be consulted by the Auditor in order to determine his discretion? Is it possible to open up a wider field of discretion than is opened up before the State Auditor by the fluctuations in the amount of canal tolls and other sources of revenue? By what rule is he governed in making his immense appropriations for repairs on the canals and other public works? Or if he does not make those appropriations, who does? Is there no need of public discussion and investigation concerning our most important affairs? Is there no danger of obliquity of intention or perversity of will in a man, who forms his resolutions in the recesses of his own breast? Have we nothing to fear from his incompetency or his errors?

It is one of the worst features of this odious system that it turns the keys of knowledge against the people's representatives. It is almost impossible, under the present system, for a member to acquire a masterly and statesmanlike knowledge of our financial affairs. He has not the facilities. Nor must it be supposed that a single member can command the facilities for information, concerning matters out of the regular routine of business, which the whole body could command concerning matters in the regular routine. The lives of members are laborious to the last possible degree. Their little snatches of rest and refreshment form mere interludes in one almost unvarying scene of toil. Were a gentleman to apply himself to the study of the finances, he would soon find himself behind the times in other matters of daily interesting discussion. Results prove that there has been gross mismanagement, but it is best proved by the results.

It is said by the advocates of royalty that we might send a committee to enquire into the doings of our money monarch. The efficiency and skill of such a committee would resemble the efficiency and skill of a youth, who executes a task of penmanship once in two or three years, compared with the abilities of one who writes daily.

If the numerous perplexing and intricate questions, which must be decided by this officer, in order to an intelligent exercise of his taxing powers, be mere matter of computation and detail, how much simpler the computation and detail necessary to arrange the ordinary annual appropriation bills of the General Assembly. How easy to determine the amount of our meagre little civil list. How easy to compute the amount necessary to sustain our benevolent asylums. How small the aggregate of our annual appropriations compared with the amount of taxes levied by the State Auditor. How much less danger of error in fixing the rate of taxation necessary to produce the small sum, than in fixing the rate necessary to produce the large one? Ah! but it may be said, abuse might creep in if a single man was clothed with authority to levy taxes to pay our civil list and other annual items. Is there danger of abuses in the levying and disbursement of the small sum, and is there no danger of abuses in the levying and disbursement of the large one?

Gentlemen argue that faction might reign in the General Assembly, and it might refuse to make appropriations to pay the interest on our State debt. And the ghosts of anarchy and confusion, and discord and strife are conjured up and made to stalk across the stage before our eyes, in order to convince us that our constitutional powers ought to be surrendered to a single potentate, whose unity of will, as it is said, can always act efficiently.

These are the arguments employed, in all ages, by the advocates of despotism against republican government. These were the arguments employed by Charles the first, when he determined to levy ship money without the aid of Parliament. But as calm observers could then see that the monarch's reliance on his assumed authority to levy taxes without the aid of Parliament, determined him to discontinue that Assembly, so the candid and discerning cannot fail to perceive that a reliance on the authority of our money monarch, is the efficient cause of the present

disorganization of the General Assembly, so afflicting to the friends of order and good government. Is not this so? Is not this potentate put forward by reckless politicians, as the rival, the antagonist and the substitute of the General Assembly? We will venture on a short digression by the by. If he is capable of being a substitute, must not his powers be of a legislative nature, how else could he be a substitute for a legislative assembly?

The Protestants conceive the acts granting this authority to the Auditor, to be clearly unconstitutional on another ground. The constitution of this State, provides that no money shall be drawn from the treasury, except in consequence of appropriations made by law. Is any appropriation made to pay the interest on our public debt or for repairs on the public works? We discover nothing of the kind in the annual appropriation bills. The money paid into the treasury from the eighty-four counties, goes out by the sole authority of our money-monarch; for our meagre little civil list, is scarce worthy of notice in this connexion. It is said that the original act bestowing authority on the State Auditor to levy taxes made the appropriations. If this argument is sound, appropriations can be made a hundred years beforehand. They may be made without knowing the person of the recipient, the amount of the sum or the object of the grant. They may be made in the most general and sweeping manner, which amounts to making just exactly no appropriations at all! Provisions substantially similar to this, are found in the constitutions of most of the States of the Union.—They are intended to prevent gross abuses. In colonial times, a custom had sprung up in the Colonial Assemblies, of granting large sums of money in a general way without specifications. Cunning soon found means to make profit by such loose legislation; hence it has been forbidden as a nuisance in our State constitutions: Do not the laws, which we impugn as unconstitutional, introduce this mischief again in its worst form. Can any thing be more fluctuating, more uncertain than the amount of innumerable loans paid and unpaid, and of the sums necessary to keep in repair our extensive system of public works?—Have not our State bonds, under the operation of these laws, sometimes sold as low as fifty-two cents on the dollar? Appropriations made twenty-five years beforehand!

Some gentlemen high in authority, and distinguished by the confidence of their political friends, boldly cut the gordian knot, instead of attempting to untie it. They contend that the original enactment delegating the taxing power to the State Auditor, provided for loans, and provided this engine of taxation to meet those loans; and this law being of considerable age, must be supposed to have received the passive assent of the people, and this passive assent, as they contend, has changed the constitution. Positive precedents are admitted to possess considerable weight, not in changing an organic law, but in elucidating and explaining its nature and design. But mere negatives, the mere absence of question and investigation prove nothing. Such circumstances weigh lighter than the dust in the balance. It is well said, that "the abuses of yesterday, become the precedents of to-day." "Power is always stealing from the many to the few." "As tyrants of old pre-

vailed by force, so modern speculators prevail by fraud." They will prevail indeed where mankind are sufficiently unenlightened to be cajoled by the flimsy reasoning of our opponents, which finds in mere passive, otiose assent, evidence of a repeal of our constitution. It is contended by some gentlemen, though rather inferentially than directly, that although constitutions are paramount laws and binding on the oath and conscience of the legislator, yet if he does in fact transcend his powers and infringe upon the constitution, we, his successors, are bound by his doings; or in other words, we are bound to accept the construction of the constitution transmitted to us by our predecessors. This must be the meaning of the declaration which we so often hear from gentlemen, that if the question were new they would feel inclined to deny the constitutional right of the General Assembly to delegate the taxing power to the State Auditor, but that it is now too late to question the constitutionality of those enactments, or else that declaration has no meaning. Cannot gentlemen see that these doctrines are fatal to the existence of a written constitution? That they place that instrument at the mercy of every General Assembly. For a complete refutation of this absurd idea, we refer to the case of *Marbury vs. Madison*, 1st. Cranch 137; the reasoning of which is too weighty to be resisted and too lengthy to be repeated here. Marshall himself never made a mightier or a more successful effort.

Again it is urged that this power was delegated to the State Auditor by compact with the public creditors and partakes of the sacredness of a compact and is not to be touched. We reply that the public creditors are interested in the substantial fulfilment of the compact and not in the mere machinery by which it is to be fulfilled. The General Assembly, when unimpeded by faction and violence, has ample means to fulfil the compact. One thing is certain, either the General Assembly had constitutional authority to make this astounding delegation of power to the money monarch, or it had not. If it had that authority the thing is done and there is an end of the matter. If it had not that authority it could not acquire it by compact with third persons. It could not repeal the constitution by contract. It could not barter away the people's charter of liberties by bargain and sale. So that we must look outside of the compact to discover whether these enactments are or are not constitutional. It is to be hoped that the public creditors have too much discretion to involve their claims in the well merited odium which is about to fall on this most invidious and mischievous institution!

What citizen has not felt his own degradation when proceeding to the county auditor's office in order to learn the contents of our money monarch's ukase, so as to prepare contributions almost beyond the utmost tension of his pecuniary ability? Why might not that potentate issue a proclamation at the seat of government, affording cheap information to all. Ah!! that would resemble his edict to what it truly is, a public statute, a general law. Men who have a mind to introduce novelties must take care of names and guard appearances.

For these reasons and for many others, we have not a lingering doubt that the enactments bestowing this exorbitant authority on the Auditor, are unconstitutional, null and void, and no citizen can be subjected to any legal animadversion for refusing obedience. No court less corrupt than Jeffries, the wicked instrument of James the 2d, could decide in favor of their validity. No county auditor is bound to pay the least attention to the potentate's ukase in making out his duplicate. And if any county auditor shall consent to perform this ignominious service, no citizen is bound to pay. The thing has broken down under its own rottenness. Members of the General Assembly, as well as other citizens, have yielded a kind of otiose assent to these enactments. All experience goes to prove that mankind are prone to submit even to the errors of government, while evils are supportable, until some gigantic mischief gives them warning of their danger and rouses them to the assertion of their rights. That gigantic mischief is now stalking its hideous form before our eyes.

The House of Representatives is, at the moment of this writing, in a state of disorganization. Misguided men listening to the voice of faction set up the financial authority of this potentate as a complete substitute for the lawful authority of the people's delegates in the two Houses, and thereby encourage the continuance of a state of things so afflicting and so humiliating to the patriotic mind. We have no longer any excuse for submitting to this usurpation. We must be more spiritless than Spartan Helots if we longer submit. The serpent has now discovered the length of his fangs and the depth of his venom. If an organization of the General Assembly can be effected we are willing to unite with our brethren in passing the necessary laws to provide for the security of the public creditors, in the full persuasion that every taxpayer may lawfully refuse obedience to the mandates of the State Auditor. If an organization cannot be effected we have nothing to do with his usurped authority but universal warfare. Having drawn the sword we shall throw away the scabbard. "Delenda est Carthago" is the motto on our banners, and we have slight misgivings as to which will prevail in the contest, the autocrat or the people.

Believing as we do that the act and resolution of the Senate in refusing to suffer this matter to be investigated by the judiciary committee of this body, not only betrays a consciousness that the constitutionality of the enactments in question cannot be supported by sound legal arguments, but are highly injurious to the public, we enter our protest on the journal.

EDWARD ARCHBOLD,
ASA G. DIMMOCK,
A. H. BYERS,
FISHER A. BLOCKSOM,
J. R. EMRIE,
SAML. PATTERSON,
J. H. DUBBS,
B. BURNS.

B. EVANS,
JAS. H. EWING,
P. B. ANKENY,
SABIRI SCOTT,
JOHN GRAHAM,
J. W. WILSON,
V. CHASE,

Columbus, December 22, 1848.

And whereas, when the said fifteen Senators offered their said protest, the majority, by what we believe to be an arbitrary and unconstitutional exercise of power, refused to permit that document to be entered upon the Journal, but ruled the same to be out of order, we, the undersigned, do protest against the act and resolution of the majority which thus undertakes to dictate to the minority how they shall exercise a personal right, which is granted to the minority as such, and which, in contemplation of constitutional law, is always exercised in opposition to the will and wishes of the majority.

The 10th section of the constitution provides that "Any two members of either House shall have liberty to dissent from and protest against any act or resolution which they may think injurious to the public, or to any individual, and have the reasons of their dissent entered upon the Journal."

The text-writers on jurisprudence all agree, that the language of laws is to be understood in its ordinary popular sense, unless some strong reason can be given for assigning it a technical meaning. The word act has two meanings, and only two; the one technical, signifying a statute, the other popular, and signifying an action, any thing done.

Now, whatever else the word "act" means in its connection here, it does not mean statute, for the privilege of protesting is given to the members of the two houses as separate houses, and in no other capacity; but neither House alone can make a statute. The language of the constitution is "Any two members of either House shall have the liberty to dissent and protest."

Then if it is certain to demonstration that the word "act," as used in this clause of the constitution is not to be understood in its confined technical sense as equivalent to statute, how is it to be understood? We answer unhesitatingly and without the least fear of successful contradiction, that the word is to be understood in its ordinary popular signification, as meaning any determination, any manifestation of the will of the body. And the word resolution seems industriously inserted to exclude the possibility of any other construction. A manifestation of the will of the body is a resolution of the body to all intents and purposes. The reason of the law is the life of the law. A refusal to act may, in contemplation of the constitution, be as pernicious as the most wrongful action, and either may produce immitigable and irreparable mischief. A refusal by a competent number of Senators to go into an election, might deprive this State of its voice in the Senate of the Union. A refusal to make appropriations, might shut the courts of justice. A refusal to elect judges would destroy those courts. A refusal to perform the functions necessary to the continued existence of the State government, would be to commit political suicide. No reason can possibly be assigned why the minority should have the privilege of protesting against positive and not against negative resolutions; either may, as before observed, produce immitigable mischief.

The protesting members are, in contemplation of constitutional law, the witnesses of a flagrant wrong. To authorize a domineering majority to exclude their deposition from the record, would be to authorize a defendant to drive the plaintiff's witnesses out of court!

The only argument advanced for this most unexampled exertion of arbitrary power by the majority, except a mere quibble upon words is, that the minority by protesting upon all frivolous occasions, might entirely stop the progress of business. It is alleged that the minority might protest against every vote of the Senate, however trivial or unimportant, and thus render all progress in business impossible. It would be a sufficient answer to this argument to say that laws, of all kinds, are made for men and not for mere devils. No doubt a minority, destitute of all shame, and modesty, and honor, and conscience, and self-love, might abuse the privilege of protesting, and every other privilege. A congregation of mere devils would be incapable of being governed by any laws. But a more infallible test of the falsehood of an argument cannot be conceived, than the necessity of resorting to extreme suppositions for its support. Neither the majority nor the minority is composed of mere devils, and any argument based on such an extreme presumption, is false to demonstration. But the minority is just as fully entitled to impute to the majority a lust for lawless domination and arbitrary power, as the latter is to impute to the former factious propensities and perversity of will. Constitutions were made for the protection of minorities. Both should move in their proper sphere, without arbitrary invasions by the majority of the rights of the minority.

But suppose extreme, Jesuitical casuistry could succeed in casting a shade of doubt on that clause of the constitution granting the right of protest to any two members, in whose favor ought that doubt to be resolved? The right in question is peculiarly a minority right, bestowed on them as a minority, and to be exercised upon their oath, and conscience, and responsibility. In contemplation of law, it is always exercised against the will and inclinations of the majority. To subject the exercise of this right to the domination of the majority, would be to give the lamb into the guardianship of the wolf; would, as before remarked, be equivalent to giving an offender authority to prevent the commonwealth's witnesses from entering the court house.

Believing, as we do most sincerely, that the act and resolution of the majority excluding our former protest from the Journal was an emanation of lawless and arbitrary power, injurious both to the public and to individuals, we enter this our protest on the Journal. We stand in the presence of this great community upon our rendered reasons, and fearlessly appeal to the judgment of an impartial world.

EDWARD ARCHBOLD,
BARNABAS BURNS,
ASA G. DIMMOCK,
JAMES H. EWING,
FISHER A. BLOCKSON,
JOHN GRAHAM,
SAMUEL PATTERSON,
B. EVANS,
A. H. BYERS,
J. H. DUBBS,
P. B. ANKENY,
J. R. EMRIE,
SABIRT SCOTT.

Columbus, Dec. 26, 1848.

Mr. Archbold gave notice that on to-morrow or some subsequent day of the present session, he would introduce a bill to amend the "act relating to juries."

Mr. Hendricks gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to regulate vagabonds and vagrancy.

Mr. Bennett moved that the Senate take a recess.

Mr. Dubbs demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, and Vinal—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—19.

So the motion was lost.

Mr. Archbold gave notice that on to-morrow or some subsequent day of the present session, he would introduce a bill to give additional security to land titles; also, a bill concerning writs of error in fact.

Mr. Bennett moved a call of the Senate, which was ordered and Mr. Worcester found absent.

On motion of Mr. Myers

All further proceedings under the call were dispensed with.

Mr. Myers offered for adoption the following:

Resolved, That the Auditor of State be requested, at his earliest convenience, to furnish the Senate with the following information: The tax which each bank would have paid in 1848, if they had been taxed on their notes and bills discounted, as appears by the tabular statement of the Auditor, laid before the Senate the present session; and if also, the said banks had been taxed for every and all purposes for which money at interest and other property was taxed at the places where said banks are located respectively; and also, the per centage paid on money at interest, and other property the same year, and for all and every purpose at the places where banks are located respectively; and also, the per centage paid by said banks, taking the said notes and bills discounted as the basis of such per centage, and if said Auditor has not the means in his office of ascertaining the tax paid on said money at interest and other property for each and every purpose, such as road, school, bridge, town, corporation, &c.; he is hereby requested to make a note of such as he has not the means of so ascertaining.

Mr. Bennett offered the following as an amendment:

Also, the amount of tax which would have been paid into the Treasury of State, had they been taxed under the provisions of the "act for levying taxes on all property according to its true value."

Mr. Whitman moved to amend the amendment by adding the following:

And also, that the Auditor report, what tax the said banks would have paid for the year 1848, had they been taxed according to the provisions of the general tax law, excluding the circulation of said banks, as not being a debt to be deducted.

On motion of Mr. Goddard,

The resolution with the pending amendments, were laid on the table.

Message from the House of Representatives.

Mr. Speaker:

The House has organized by the election of John G. Breslin, as Speaker, Stanley Mathews, Clerk, and David Watt, Sergeant-at-arms, and is now ready to proceed to business.

Attest:

STANLEY MATHIEWS, Clerk.

Mr. Goddard offered for adoption the following resolution:

Resolved by the Senate and House of Representatives, That the joint rules in force at the end of the last session be adopted as the joint rules of the two house until further ordered.

Mr. Wilson moved to lay said resolution on the table.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted—yeas 12, nays 23, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Byers, Dimmock, Emrie, Graham, Myers, Patterson, Scott, Whitman, and Wilson—12.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Burns, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Evans, Ewing, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—23.

So the motion was lost.

The resolution was then agreed to.

On motion of Mr. Goddard,

The resolution and pending amendments, calling on the Auditor of State for information, were taken up.

The question being upon agreeing to the amendment to the amendment, was put and carried.

The question then being on agreeing to the amendment to the resolution, was agreed to.

Mr. Myers moved further to amend by adding the following amendment, which was agreed to.

Also, if they had been taxed on all their assets, deducting only what they paid interest upon.

The question then turning upon the adoption of the resolutions as amended, was agreed to.

Mr. Beaver, according to previous notice, introduced the following bills:

S. No. 1; A bill to incorporate the Western Reserve Farmers' Insurance Company.

S. No. 2; A bill to repeal the fourth section of the act of 25th January, 1807, relating to black and mulatto persons testifying in courts of justice.

S. No. 3; A bill granting the unsold and unappropriated lands to actual settlers.

S. No. 4; A bill to repeal the act of the fifth of January, 1804, and acts amendatory thereto.

Mr. Dimmock, according to previous notice, introduced the following bill:

S. No. 5; A bill to exempt homesteads from forced sale on execution and for other purposes.

Mr. Ewing, according to previous notice, introduced the following bills:

S. No. 6; A bill to provide for ascertaining the will of the people of this state upon the question of calling a convention to amend or change the constitution of the same.

S. No. 7; A bill to provide for the election of the Board of Public Works by the people.

Mr. Hendricks, agreeable to previous notice, introduced the following bill:

S. No. 8; A bill to abolish capital punishment.

Mr. Ankeny on leave, from a select committee, introduced the following bill:

S. No. 9; A bill for the relief of John Devine, James M. Snyder, and William Sharp.

Mr. Dennison, according to previous notice, introduced the following bill:

S. No. 10; A bill supplementary to the "act to provide for the taking of depositions," passed March 3, 1831.

Mr. Vizal, agreeable to previous notice, introduced the following bills:

S. No. 11; A bill to incorporate the Springfield Female Seminary, in the county of Clark.

S. No. 12; A bill to incorporate the Springfield Hydraulic Company, in Clark county.

S. No. 13; A bill to incorporate the Springfield and Columbus Rail Road Company.

S. No. 14; A bill in addition to "an act in relation to incorporated religious societies," passed March 5, 1836.

Mr. Chase, agreeable to previous notice, introduced the following bill:

S. No. 15; A bill to incorporate the Rossville or Millville Turnpike Road Company.

Mr. Scott, on leave from a select committee, introduced the following bill:

S. No. 16; A bill to provide for the sale of section sixteen in Caryl township, Paulding county.

Said bills were severally read the first time.

Mr. Burns offered for adoption the following resolutions:

Resolved, That right and justice demand that the expenses of government should be borne by all persons, whether natural, or banking corporations, in due proportion to the property held by them of whatever description.

Resolved, That we are therefore in favor of so legislating as to tax equally the property of banking corporations and of individuals.

Resolved, That we believe all persons, whether natural or banking corporations, ought to be taxed under the same law and for the same purposes; Therefore be it further

Resolved, That the committee on the judiciary be and they heroby are instructed to report a bill embodying the principles of the above resolutions.

Mr. Blake moved to amend by adding the following:

And also, that the rights of all men should be respected, whether black or white, therefore the black laws of Ohio should be repealed.

Mr. Burns raised a question of order which he reduced to writing, as follows:

That any amendment offered to a resolution totally irrelevant to the same, is not in order and cannot be entertained.

The Speaker decided the question in the affirmative.

Mr. Corwin moved to lay the resolution and pending amendments on the table.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted—yeas 15, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal, and Worcester—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Evans, Ewing, Graham, Hendricks, Myers, Scott, Swift, Whitman, Wilson and Speaker—19.

So the motion was lost.

Mr. Ewing moved to refer the resolution with the pending amendment to the standing committee on the Judiciary.

Mr. Beaver demanded the yeas and nays thereon, which were ordered, and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Bennett, Byers, Chase, Claypool, Dennison, Dim-

mock, Dubba, Evans, Ewing, Goddard, Haines, Hendricks, Judy, Lewis, Myers, Scott, and Vinal—18.

Those who voted in the negative, were

Messrs. Ankeny, Beckus, Beaver, Blake, Blocksom, Burns, Conklin, Corwin, Emrie, Graham, Horton, Kendall, Patterson, Swift, Whitman, Wilson, Worcester and Speaker—18.

So the motion was lost.

The question then being on agreeing to the amendment,

Mr. Blake demanded the yeas and nays, which were ordered, and resulted—yeas 15, nays 21, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Corwin, Dimmock, Dubba, Haines, Hendricks, Horton, Lewis, Myers, Swift, Worcester and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dennison, Emrie, Evans, Ewing, Goddard, Graham, Judy, Kendall, Patterson, Scott, Vinal, Whitman and Wilson—21.

So the amendment was lost.

Mr. Beaver moved to amend the resolutions by adding the following:

And said committee is further instructed to bring in a bill to prohibit magistrates of counties, cities or corporate towns and all other state magistrates and officers of the state of Ohio, from acting officially in cases of alledged fugitive slaves.

Mr. Ewing moved that the Senate adjourn.

Mr. Ankeny demanded the yeas and nays thereon, which were ordered, and resulted—yeas 19, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Byers, Claypool, Conklin, Corwin, Dimmock, Dubbs, Emrie, Ewing, Goddard, Haines, Horton, Judy, Lewis, Vinal, and Wilson—19.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Chase, Dennison, Evans, Graham, Hendricks, Kendall, Myers, Patterson, Scott, Swift, Whitman, Worcester and Speaker—17.

So the Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

FRIDAY, JANUARY 5, 1849.

Mr. Ankeny presented the petition of John Finley and 116 other citizens of Gunnery county, for the relief of John Derine and others.

Also the petition of A. Keannon and 43 other citizens of Belmont county, on the same subject.

Also the petition of James Updegraff and 183 other citizens of Tuscarawas county, on the same subject.

Also the petition of William Helmick and 63 other citizens of New Philadelphia, Tuscarawas county, on the same subject.

Said petitions were severally laid on the table.

Mr. Burns presented the petition of Isaac J. Allen and 113 other citizens of Mansfield, for an act to incorporate a Fire Company, to the known as "the Mansfield Fire Company, No. 1," and for other purposes.

Referred to select committee of one—Mr. Burns.

Mr. Graham presented the petition of T. W. Leek and 75 other citizens of Stark county, for the repeal of so much of the law of 1839 respecting the Commercial Hospital of Cincinnati, as prohibits students of other schools from witnessing surgical operations.

Referred to the standing committee of Medical Colleges and Societies.

Mr. Haines presented the petition of John White and 56 others, for the repeal of all laws authorizing capital punishment.

Also, the petition of Joseph Gadsamer and 16 others on the same subject.

Referred to the standing committee on the Judiciary.

Mr. Corwin presented the petition of Joshua C. James and 127 other citizens of Liberty township, Clinton county, for the passage of a law permanently establishing as a School district all that part of School district No. 6, north of Anderson Fork in Liberty township, Clinton county.

Referred to the committee on schools and school lands.

Mr. Backus presented the petition of J. R. Walters and 161 other citizens of Cuyahoga county, for the charter of a Plank Road Company from Cleveland to Doan's corner, in said county.

Also the petition of John Pritchard and H. Ranney, Trustees of Cleveland township, asking they may be empowered to purchase a lot and to erect a Poor House for said township.

Referred to a select committee of one—Mr. Backus.

Mr. Archbold from the standing committee on the judiciary, to which had been referred the petition on the subject of postage, reported the same back with an amendment.

Mr. Goddard moved to amend by striking out the following words in the amendment: "and on all public documents ordered by either or both branches, to be printed."

The same gentleman demanded the yeas and nays, which were ordered and resulted—yeas 10, nays 28, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Dennison, Goddard, Haines, Horton, Kendall, Vinal and Worcester—10.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Hendricks, Judy, Lewis, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—28.

So the motion was lost.

Mr. Blake moved to amend the amendment by adding the following: "provided however, that this privilege shall not extend to documents or packages exceeding six ounces in weight."

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted—yeas 27, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Burns, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Evans, Ewing, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Scott, Swift, Vinal, Worcester and Speaker—27.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Byers, Chase, Emrie, Graham, Patterson, Whitman and Wilson—9.

So the amendment to the amendment was agreed to.

The question being on agreeing to the amendment of the committee as amended, was agreed to.

The question then recurring on agreeing to the resolution as amended.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 27, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Bennett, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Patterson, Scott, Vinal and Whitman—27.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Dennison, Goddard, Myers, Swift, Wilson, Worcester and Speaker—9.

So the resolution was adopted.

Mr. Myers from the standing committee on roads and highways, introduced the following bills:

S. No. 17; A bill to incorporate the Perryburg and Findlay Plank Road Company.

S. No. 18; A bill to incorporate the Perryburg and Maumee Union Bridge Company.

Mr. Ewing agreeable to previous notice, introduced the following bill:

S. No. 19; A bill to incorporate the Ohio Institute of Natural Sciences.

Mr. Worcester agreeable to previous notice, introduced the following bill:

S. No. 20; A bill to incorporate the Norwalk Plank Road Company. Mr Vinal agreeable to previous notice, introduced the following bill:

S. No. 21; A bill authorizing the Trustees of Springfield township, to subscribe money to aid in the erection of a Town Hall in Springfield, in the county of Clark, and to establish said hall, as the place of holding all elections, in said township.

Mr. Kendall agreeable to previous notice, introduced the following bill:

S. No. 22; A bill to prevent hunting, killing or destroying deer, at certain seasons of the year.

Mr. Myers agreeable to previous notice, introduced the following bill:

S. No. 23; A bill to amend the "act incorporating the Toledo Plank Road Company," passed January 28, 1849.

Said bills were severally read the first time.

The following bills were severally read a second time, and committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 1; To incorporate the Western Reserve Farmers' Insurance Company.

S. No. 2; To repeal the fourth section of the act of the 25th January, 1807, relating to black and mulatto persons testifying in courts of justice.

S. No. 3; Granting the unsold and unappropriated lands to actual settlers.

S. No. 4; To repeal the act of the 5th of January, 1804, and acts amendatory thereto.

S. No. 5; To exempt Homesteads from forced sale on execution, and for other purposes.

S. No. 6; To provide for ascertaining the will of the people of this State upon the question of calling a convention to amend or change the constitution of the State.

S. No. 7; To provide for the election of the Board of Public Works by the people.

S. No. 8; To abolish capital punishment.

S. No. 9; For the relief of John Devine, James M. Snyder and William Sharp.

S. No. 10; Supplementary to the "act to provide for the taking of depositions," passed March 3, 1831.

S. No. 11; To incorporate the Springfield Female Seminary, in Clark county.

S. No. 12; To incorporate the Springfield Hydraulic Company, in Clark county.

S. No. 13; To incorporate the Springfield and Columbus Rail Road Company.

S. No. 14; In addition to "an act in relation to incorporated Religious Societies."

S. No. 15; To incorporate the Rossville and Millville Turnpike Road Company.

S. No. 16; To provide for the sale of section 16 in Caryall township, in Paulding county.

On motion of Mr. Goddard,

Resolved, That a select committee of three be appointed to prepare rules for the government of the Senate, during the present session.

The Speaker appointed Messrs. Goddard, Whitman and Blake, said committee.

Mr. Archbold agreeable to previous notice, introduced the following bill:

S. No. 24; A bill concerning the powers and duties of the State Auditor.

Which was read the first time.

Mr. Claypool gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to amend an act to incorporate the Ross county Turnpike Company, passed February 19, 1848.

Mr. Worcester gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to amend the charter of the Huron and Oxford Rail Road Company.

On motion of Mr. Scott,

The resolution calling on the Board of Public Works, for information relative to the claims of Dedrick Henders, was taken up and agreed to.

Mr. Conklin gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act entitled an act to incorporate the Bellefontaine and Indiana Rail Road Company, passed February 25, 1848.

Mr. Judy gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to establish a Free Turnpike from Delaware, in Delaware county, to Newton, in Union county.

Mr. Judy offered for adoption the following resolution:

Resolved, by the General Assembly of the State of Ohio, That the Superintendent of the Ohio Lunatic Asylum, be and he is hereby directed to admit into the said Asylum, Jonathan Stewart of Logan county, as a pay patient on the same terms with other pay patients who are citizens of this State.

On motion of Mr. Goddard,

Said resolution was referred to the standing committee on Benevolent and Public Institutions.

On motion of Mr. Judy,

The petition in reference to the admission of Jonathan Stewart

into the Lunatic Asylum, was taken up and referred to the same committee.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested.

Relative to the appointment of a joint select committee to wait upon the Governor.

Attest:

STANLEY MATHEWS, Clerk.

The House joint resolution was amended by filling the blank with the word "two," and agreed to.

The Speaker announced Messrs. Goddard and Wilson as said committee.

Mr. Whitman gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill repealing all laws licensing the sale of spiritous liquors.

Mr. Chase gave notice that on to-morrow or some subsequent day of the present term, he would on leave introduce a bill to repeal the act entitled an act "to create the office of Attorney General, and prescribe his duties," passed February 16th, 1846: and also, the act amendatory thereto, passed February 24th, 1848.

Mr. Worcester offered for adoption the following:

Resolved, That the Speaker of the Senate, (if in his opinion, it shall conduce to the public service,) appoint a special committee of five members, two from each of the late whig and democratic parties, and one from the young and vigorous free soil party, under the name and style of this committee on Buncombe.

Resolved, That said committees so to be appointed, shall take precedence in rank and privilege of all other committees of this body, and reports from the same until one week next after the 8th of January, inst. shall at all times be in order, and that for two weeks next after the expiration of the time above limited, the said committee shall make its diurnal reports immediately before the reading of the journal, after which time the duties of said committee shall cease, and the same shall be dissolved.

Resolved, That when any Senator through this body, is desirous to introduce to the attention of the people of this State, or any portion of the same, any motion, resolution, bill or other matter, that he has no wish or expectation to have pass the Senate, it shall be in order for said Senator, before he begins to speak to the same, to move a reference thereof, with or without instructions, to said committee on Buncombe.

Resolved, That the action of said committee shall be conclusive and without appeal; that it shall be its duty within twenty-four hours, next after said reference, and sooner if practicable, to make report upon said motion, &c., and if such report upon said motion, &c., should

be favorable thereto, the same may be printed together with the speech or speeches made upon the same, or any other speech that was not made, in any newspaper in general circulation in the senatorial district of the mover thereof, but if said report shall be unfavorable, then said notices &c., shall be withdrawn, and said speech or speeches shall be suppressed.

On motion of Mr. Goddard,

Said resolutions were referred to the standing committee on the judiciary.

On motion of Mr. Goddard,

The preamble, resolution and amendment relative to appointing a printer for the Senate, were taken up.

Mr. Lewis moved to amend by striking out all after the word *whereas*, and inserting,

A difference of opinion exists in the Senate, as to the validity of a contract entered into in June 1846, between the State and Messrs. Scott and Phillips, for executing the public printing, under the provisions of the act of March 12th, 1845. And whereas, the Senate on the 18th of December, 1846, passed a resolution giving said printing to Samuel Medary, contrary to the act of March, 1845. Thereby not only violating a solemn contract, but imposing an additional expense on the State.

Therefore be it resolved by the Senate, That the contract heretofore existing between the State and Messrs. Scott and Phillips, is of a binding obligation, and ought of right to be faithfully executed.

On motion of Mr. Goddard,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Goddard moved to lay the resolutions and amendment relative to a public printer on the table, which was agreed to.

The same gentleman made the following report:

The joint select committee appointed to wait upon the Governor, and inform him that the two Houses are organized and ready to receive any communication he may think proper to make; now report that they have performed the duty assigned them, and have been informed by the Governor that he will forthwith communicate to the two Houses by message.

Mr. Willson gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to repeal the charter of the bank of Sandusky.

Also a bill to repeal the charter of the bank of Norwalk, and other banks of this State that have failed to redeem their promises to pay, now in the hands of the people.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendment to House joint resolution for the appointment of a joint select committee to wait upon the

FRIDAY, JANUARY 5, 1849.

Governor, and appointed Messrs. Holcomb, Morris and Chaffee, said committee on the part of the House.

Attest:

STANLEY MATTHEWS, Clerk.

The annual message of the Governor was received from the hands of Edward Bebb, his private secretary, and read.

(See Vol. Pub. Doc. No. 1 Part. 1.)

Mr. Lewis offered for adoption the following:

Resolved, That the Speaker of the Senate be requested to confer with the resident Clergymen of the city of Columbus, and invite them to make such arrangements between themselves as to secure the attendance of one of their number, on each day of the present session, to offer prayer immediately after the Senate shall be called to order, and before the journals be read.

Mr. Whitman offered the following as a substitute:

Strike out all after the word "resolved," and insert:

"That the Speaker appoint a committee of three members to invite all the Clergymen in Columbus, to officiate alternately each morning, in opening the session of the Senate, the said committee announcing the days for each.

Mr. Dimmock offered the following as an amendment to the amendments:

That the members of this Senate respectfully ask to be remembered in the prayers of the several Churches of this city, during the session of the legislature.

On motion of Mr. Goddard,

The resolution and pending amendments, were laid on the table.

Mr. Claypool moved it be laid on the table and printed.

Mr. Goddard demanded a division of the question.

The question being on laying on the table, was agreed to.

The question then turning on printing.

Mr. Claypool asked leave to withdraw his motion to print.

Mr. Whitman demanded the yeas and nays, which were ordered and resulted—yeas 18, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—17.

So the gentleman had leave to withdraw his motion.

Mr. Chase moved that the Governor's message be printed.

Mr. Goddard demanded the yeas and nays, which were ordered, and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Goddard offered for adoption the following resolution:

Resolved, That the State Auditor communicate to the Senate whether under the fourteenth section of the act of March 12, 1845, to provide for the State printing, he has issued bills to any contractors for the printing in advance, at what time, and if so, to whom and to what amounts.

Mr. Whitman moved to lay said resolution on the table.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

The question being on agreeing to the adoption of the resolution.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—15.

So the resolution was agreed to.

FRIDAY, JANUARY 5, 1849.

Message from the House of Representatives.**Mr. Speaker:**

The House has agreed to Senate resolution relative to the joint rules of the two Houses, with an amendment in which the concurrence of the Senate is requested.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Byers moved that the Senate disagree to the amendment of the House.

The Speaker decided the motion out of order.

Mr. Byers appealed from the decision of the Speaker.

The question being, "shall the decision of the chair stand as the judgment of the Senate.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal and Worcester—18.

Those who voted in the negative, were

Messrs. Ankney, Archbold, Blackson, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

So the decision of the Chair was sustained.

The question then being on agreeing to the amendment of the House,

Mr. Goddard moved to refer said resolution to the select committee on rules, which was agreed to.

Message from the House of Representatives:**Mr. Speaker:**

The House has agreed to the following resolution:

Senate resolution relative to the postage of members, clerks and sergeants-at-arms.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:**Mr. Speaker:**

The House has passed the following joint resolution in which the concurrence of the Senate is requested:

Relative to the appointment of a joint select committee to report joint standing rules for the government of the two houses.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Goddard,

Said joint resolution was amended by filling the blank with the word "two."

Said resolution as amended was agreed to.

Messrs. Goddard and Burns were appointed a committee on the part of the Senate.

Message from the House of Representatives:

Mr. Speaker:

The following bill has been introduced into the House and read the first time:

H. No. 1; A bill to prevent kidnapping, and the jails and prisons of the state from being used in confining persons claimed as fugitive slaves.

Attest:

STANLEY MATTHEWS, Clerk,

Mr. Whitman offered for adoption the following:

Resolved, That the Clerk of this Senate be directed to employ Israel Garrard to do the printing of the Senate during this session.

Mr. Corwin moved that the Senate adjourn.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester, and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blockson, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

So the Senate refused to adjourn.

Mr. Corwin moved to amend the resolution by striking out the name of "Israel Garrard" and inserting that of Jonathan Philips.

Mr. Wilson called for a division of the question.

The question being on striking out,

Mr. Whitman demanded the yeas and nays which were ordered, and resulted—yeas 4, nays 31, as follows:

Those who voted in the affirmative, were

Messrs. Conklin, Corwin, Hendricks and Speaker—4.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blockson, Burns, Byers, Chase, Claypool, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Whitman, Wilson and Worcester—31.

So the Senate refused to strike out.

Mr. Goddard moved that the Senate adjourn.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennet, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, and Wilson—18.

So the Senate refused to adjourn.

The question being on the adoption of the resolution,

Mr. Goddard moved that the Senate adjourn.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

So the Senate refused to adjourn.

After some further debate,

The question was on the passage of the resolution.

Mr. Kendall moved that the Senate adjourn.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

So the Senate refused to adjourn.

After further debate the question was on agreeing to the adoption of the resolution.

Mr. Dennison moved the Senate adjourn.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin,

Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

So the Senate refused to adjourn.

After further debate, the question was on agreeing to the resolution.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the resolution was lost.

On motion of Mr. Hendricks,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

SATURDAY, JANUARY 6, 1849.

Mr. Ewing presented the petition for an act of incorporation for the Brotherly Love society of the Israelites.

Referred to a select committee of one—Mr. Ewing.

Mr. Swift presented the petition of the town council of Akron, for a law authorizing them to levy a tax to liquidate the debts due from said town.

Referred to a select committee of one—Mr. Swift.

Mr. Kendall presented the petition of William Leonidas Davidson, of Lawrence county, for the passage of a law making him the legal heir of William B. Maxey.

Also, sundry depositions on the same subject.

Referred to a select committee of one—Mr. Kendall.

Mr. Patterson presented the petition of T. J. Davis, of Licking county, for allowance of claims on the national road.

Referred to the standing committee on claims.

Mr. Whitman presented the petition of sundry citizens of Fairfield county for the election of David Lyle as an associate judge.

Laid on the table.

Mr. Whitman, from the standing committee on schools and school lands, to which had been referred the petition of citizens of Clinton county relative to a school district, reported by bill:

S. No. 25; A bill to organize school district No. 7, in Liberty township, Clinton county.

Mr. Myers, from the standing committee on roads and highways, reported the following bill:

S. No. 26; A bill to incorporate the Toledo Bridge company.

Mr. Beaver, from the select committee to which was referred the petition of sundry inhabitants of Lake and Trumbull counties for a plank road, reported by bill:

S. No. 27; A bill to incorporate the Painesville and Warren Plank Road Company.

Said bills were severally read the first time.

Mr. Goddard from the select committee on rules of the Senate, reported the following for adoption:

Resolved, That the following be adopted as an additional rule for the government of the Senate.

Rule 40. A decision by an equality of votes shall not be construed as affirming the opposite of the proposition thus decided.

Mr. Whitman moved to lay said report upon the table, which was agreed to.

The following bills were severally read the second time, committed to the committee of the whole Senate and made the order of the day for this day.

S. No. 17; To incorporate the Perrysburg and Findlay Plank Road company.

S. No. 18; To incorporate the Perrysburg and Maumee Union Bridge company.

S. No. 19; To incorporate the Ohio Institute of Natural Science.

S. No. 20; To incorporate the Norwalk Plank Road company.

S. No. 21; Authorizing the trustees of Springfield township to subscribe money to aid in the erection of a Town Hall in Springfield, in the county of Clark, and to establish said Hall as the place of holding all elections in said township.

S. No. 22; To prevent hunting, killing or destroying deer at certain seasons of the year.

S. No. 23; To amend the "act incorporating the Toledo Plank Road company," passed January 28, 1848.

S. No. 24; Concerning the powers and duties of State Auditor.

Mr. Vinal, from the select committee to which had been referred the petition to incorporate the Lutheran Evangelical Congregation, reported the following bill:

S. No. 28; A bill to incorporate the Evangelical Lutheran St. John Congregation of Springfield, Clark county, Ohio.

Mr. Claypool, agreeably to previous notice, introduced the following bill:

S. No. 29; A bill to amend the "act to incorporate the Ross county Turnpike company," passed February 19, 1848.

Mr. Worcester, agreeably to previous notice, introduced the following bill:

S. No. 30; A bill to amend the charter of the Huron and Oxford Rail Road company.

Said bills were severally read the first time.

Mr. Dennison offered for adoption the following resolution:

Resolved by the Senate and House of Representatives, That the Senate will meet in the Hall of the House of Representatives on this day, at 2 o'clock, P. M. and then and there proceed to open and count the returns of votes for Governor.

Mr. Ewing moved to amend by striking out "this day at 2 o'clock," and insert "Monday at 10 o'clock."

Mr. Burns demanded a division of the question.

The question being upon striking out was put and decided in the negative.

Mr. Byers moved to lay the resolution on the table.

Mr. Dennison demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman, and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

The question then being on the adoption of the resolution,

Mr. Ankeny demanded the yeas and nays thereon, which were ordered, and resulted—yeas 21, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Evans, Ewing, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—21.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Graham, Myers, Patterson, Scott, Whitman and Wilson—15.

So the resolution was agreed to.

Mr. Hendricks offered for adoption the following:

WHEREAS, a large area of territory has recently been acquired by the

United States from her sister Republic of Mexico; and whereas, diversity of views and interest between the states of the north and of the south seem to indicate that said territory is becoming an alarming bone of contention; and whereas, we have in our midst an unfortunate colored population, who are not here of their own choice, but of necessity; a majority of whom, we have reason to believe, are not only willing but anxious to colonize to a section of our public domain where they can establish, and with the parental protection of the United States, can maintain a national character; and whereas, it is believed that sound policy, humanity and even handed justice to that portion of our ill-fated population, demand, at our hands, a home for themselves and their posterity—Therefore

Resolved, That our Senators and Representatives in Congress be requested to use all honorable means to procure the passage of a law to set apart a portion of the newly acquired territory, for the colonization of the people of color from the United States; that at least acres of land be given to each colored person who shall emigrate to said territory, upon such conditions as may seem reasonable and just.

On motion of Mr. Claypool,

Said preamble and resolutions were laid on the table.

On motion of Mr. Whitman,

Resolved, That the secretary of state at his earliest convenience be requested to furnish the Senate with the names of all persons who furnished said Secretary bids for the public printing under the first advertisement issued for the purpose, together with the sums said bidders agreed to do said printing for.

On motion of Mr. Dubbs,

Resolved, That the committee on the Penitentiary be instructed to ascertain, and report to the Senate, the number of convicts who have been pardoned out of the Penitentiary by Governor Bebb during his official term; the names of the persons so pardoned; the names of the counties from which they were sent; the crimes of which they had been convicted, and the term of time for which they had been severally sentenced.

On motion of Mr. Burns,

Resolved, That the Auditor of State be, and he hereby is, required to communicate to this Senate at his earliest convenience, copies of all returns, reports, affidavits, statements and communications from any and all the officers, agents and attorneys of the Norwalk and Sandusky banks, or either of them which have been made and returned to his office by said banks or either of them, during the six months next preceding the first Monday of November, 1848, and from which said Auditor made out the "Tabular Statement of the condition of said banks" on the said first Monday of November, 1848.

On motion of Mr. Bennett.

Resolved, That the committee on the judiciary be instructed to in-

quire into the expediency of so amending the several laws in relation to the powers and duties of justices of the peace and constables in civil cases, as to authorize constables to levy upon property of resident debtors in the hands of third persons.

Mr. Dennison gave notice that on Monday next, or some subsequent day of the session, he would ask leave to introduce a bill to fix the times of holding courts of common pleas in the 12th judicial circuit.

On motion of Mr. Ewing,

The Senate resolved itself into the committee of the whole, Mr. Goddard in the chair, and after some time spent therein, rose and reported back

S. No. 1; To incorporate the Western Reserve Farmers' Insurance company, with one amendment, which was agreed to.

On motion of Mr. Claypool,

Said bill, as amended, was referred to the standing committee on the judiciary.

On motion of Mr. Scott,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

MONDAY, JANUARY 8, 1849.

On motion of Mr. Goddard,

The rules were suspended so as to have the House messages read.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following joint resolution in which the concurrence of the Senate is requested:

Relative to opening and publishing the votes for Governor.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Dennison,

House joint resolution was amended by striking out "6th" and inserting "8th," also, after the year "1849," insert "at 11 o'clock, A. M."

The resolution as amended was agreed to.

Message from the House of Representatives:

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 2; To incorporate the Judson College in the county of Harrison.

H. No. 3; To amend the act to incorporate the Lorain Plank Road company.

H. No. 4; To incorporate the London, Midway and Washington Turnpike company.

H. No. 5; To incorporate the town of Patriot, in the county of Gallia.

H. No. 6; To incorporate the town of Carlisle, in Monroe county.

H. No. 7; To establish a free turnpike road from Springboro to Ridgeville in Warren county.

H. No. 8; To repeal the 4th section of the act passed January 25th, 1807, amendatory to the act passed January 5th, 1804, regulating black and mulatto persons.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The following bill has been introduced into the House and read the first time.

H. No. 9; To repeal an act passed January 5th, 1804, and certain acts amendatory thereto.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to Senate amendment to House joint resolution relative to the appointment of a committee to report joint standing rules for the government of the two houses, and appointed Messrs. Holcomb, Leiter and Vorhes said committee on the part of the House.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Archbold presented the petition of Margaret and Benoni Staats, for an alteration in the tax law.

Referred to the standing committee on Finance.

Mr. Ewing presented the petition of John Joliffe providing for writs of error from decisions of the court in bank.

Referred to the standing committee on the Judiciary.

Mr. Chase presented the petition of Caleb Baker for a divorce from his wife Sarah.

Referred to the standing committee on the Judiciary.

Mr. Myers presented the petition of Addison Smith, Loomis Bigham and S. N. Beach, directors of school district No. 1, Perrysburgh, Wood county, for a law authorizing the electors of said district to vote an additional tax for school purposes.

Referred to the standing committee on Schools and School Lands.

Mr. Corwin presented the petition of John Antiam and 48 other citizens of Clinton county, for an amendment of the present banking

law of Ohio as will permit the establishment of a branch of the State Bank in Wilmington, Clinton county, Ohio.

Referred to a select committee of one—Mr. Corwin.

Also, the petition of A. Brooke and 88 other residents of Clinton county, for the repeal of all laws making a distinction between persons on account of color.

Also, the petition of John Pyle and 89 other citizens of Clinton county on the same subject.

Said petitions were laid on the table.

Mr. Blake presented the petition of 267 citizens of Medina county for the repeal of the black laws and for the passage of a resolution against the introduction of slavery into the territories of the United States, and in favor of the writ of habeas corpus.

Laid on the table.

Also, the petition of Zadock Tillotson, to change the name of Ophelia Piper to Caroline Tillotson.

Referred to a select committee of one—Mr. Blake.

Mr. Hendricks presented the petition of Jesse Paramore, of Preble county, for a change in width of state line road.

Referred to a select committee of one—Mr. Hendricks.

Mr. Chase, agreeable to previous notice, introduced the following bill:

S. No. 31; A bill to incorporate the Hamilton, Rossville, Millville and Scioto Turnpike Road company..

Mr. Kendall, agreeable to previous notice, introduced the following bill:

S. No. 32; A bill making William Leonidas Davidson the legal heir of William B. Maxey, deceased.

Mr. Archbold agreeable to previous notice, introduced the following bills:

S. No. 33; A bill concerning writs of error in fact.

S. No. 34; A bill to amend the act relating to juries.

Said bills were severally read the first time:

The following bills were severally read a second time, committed to a committee of the whole Senate and made the order of the day for this day.

S. No. 25; To organize school district No. 7, in Liberty township, Clinton county.

S. No. 26; To incorporate the Toledo Bridge company.

S. No. 27; To incorporate the Painesville and Warren Plank Road Company.

S. No. 28; To incorporate the Evangelical Lutheran St. John Congregation of Springfield, Clark county, Ohio.

S. No. 29; To amend the act to incorporate the Ross county Turnpike company, passed February 19, 1848.

S. No. 30; To amend the charter of the Huron and Oxford Rail Road company.

The Speaker laid before the Senate the special report of the Audi-

tor of State in answer to Senate resolution in relation to the Norwalk and Sandusky banks.

(See Vol. Pub. Doc.)

Referred to a select committee of two—Messrs. Burns and Worcester.

The Speaker also laid before the Senate the annual report of the Auditor of State.

(See Vol. Pub. Doc.)

On motion of Mr. Goddard,

It was laid on the table.

And also, the annual report of the trustees and superintendant of the blind.

Laid on the table.

Mr. Beaver gave notice that he would, on to-morrow or some subsequent day of this session, ask leave to introduce a bill to amend the law in relation to state printing.

Mr. Chase gave notice that on to-morrow or some subsequent day of the present term, he would ask leave to introduce a bill to repeal an act to authorize the town of Hamilton to borrow money, and for other purposes.

Also, that on to-morrow or some subsequent day of this session, he would introduce a bill supplementary to an act relating to wills, passed March 23, 1840.

Mr. Myers gave notice that he would, on to-morrow or some subsequent day of the present session, introduce a bill to repeal so much of the 13th section of the act for levying taxes &c., passed February 22, 1848, as relates to the city of Toledo.

Mr. Conklin gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to lay out and establish a free turnpike road from Sidney to St. Marys.

On motion of Mr. Goddard,

Resolved, That the committee on printing ascertain and report to the Senate whether the printed bills which have been laid upon the desks of Senators, were printed by the person with whom a contract has heretofore been entered into under the act of 1845, and the act amendatory thereto; and if not, by whom the said bills have been printed and by virtue of what law, and further to report whether the paper upon which the said bills have been printed belongs to the state, and if so by whom purchased and under what law the same was purchased.

On motion of Mr. Chase,

Resolved, That the Auditor of State be hereby required to inform the Senate at his earliest convenience, the quantity of unsold and unappropriated land belonging to the state of Ohio, the counties in which

it is situated, stating the quantity in each and the supposed value thereof.

On motion of Mr. Worcester,

Resolved, That the Auditor of State be requested to furnish for the use of the Senate any reports or documents in addition to those now furnished, that may have been filed in his office within the past year relative to the condition of the Norwalk and Sandusky banks.

On motion of Mr. Scott,

Resolved, That the Treasurer of State inform this Senate forthwith whether there is any Norwalk or Sandusky bank paper in the Treasury of State at this time, if so, what amount.

Mr. Bennett moved to take up the special report of the select committee on rules in the Senate, which was agreed to.

Mr. Byers raised a question of order which he reduced to writing, as follows:

Under the 38th rule, it is out of order to alter or amend the rules without one day's previous notice.

The Speaker decided the question in the affirmative.

On motion of Mr. Goddard,

The report was laid on the table.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to House joint resolution relative to the opening and publishing the votes for Governor.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed the following resolution:

Senate joint resolution relative to opening and publishing the votes for Governor.

Attest:

STANLEY MATTHEWS, Clerk.

The Speaker presented a special report from the Auditor of State in accordance with a resolution of the Senate of the 5th inst., whether under the 14th section of the act of March 12, 1845, he has issued bills to any contractor for printing in advance.

(See Vol. Pub. Reports.)

On motion of Mr. Conklin,

Resolved, That the Auditor of State be requested to inform the Senate, at his earliest convenience, what proceedings have been had under the resolution of the 25th February, 1848, relative to the appraisement and sale of the canal lands belonging to the state, and lands belonging to the state bordering on the Loramie and Six Mile Reservoirs.

Message from the House of Representatives:**Mr. Speaker:**

The House has passed the following resolution:

Relative to opening and publishing the votes for Governor.

Attest:

STANLEY MATTHEWS, Clerk.

Resolved, That a message be now sent to the Senate informing that body that the House of Representatives is now ready to proceed to the opening and publishing the votes for Governor.

On motion of Mr. Claypool,

The Senators, preceded by their Speaker and Clerk, repaired to the Hall of the House of Representatives for the purpose of opening and publishing the returns of the votes given for Governor of Ohio on the second Tuesday of October, 1848, and being seated within the bar the convention was called to order by the Speaker of the Senate.

On motion of Mr. Burns,

A call of the Senators was had and Messrs. Patterson and Vinal were found absent.

On motion,

A call of the House was had and Mr. Brewer found absent.

On motion,

All further proceedings under the call were dispensed with.

The Speaker of the Senate, in the presence of the members of both Houses, commenced opening and publishing the aggregate vote of the counties as shown by the returns, as follows:

COUNTIES.	WELLER.	FORD.	SCAT.
Allen	954	685	----
Auglaize	955	379	----
Ashtabula	936	3405	25

Mr. Whitman here raised a point of order which he reduced to writing, as follows:

The Speaker of the Senate is out of order as he is not opening and publishing the returns of votes for Governor, but is only opening and publishing the footings of the returns.

Mr. Myers moved that the Speaker appoint a committee, whose duty it shall be to add up the votes as shown in the several abstracts, and where any error occurred to correct the same before the final result of such canvassing was proclaimed.

Mr. Byers moved that the convention adjourn.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 45, nays 54, (adding the votes of each house together) as follows:

Those who voted in the affirmative, were

Of the Senate—Messrs. Ankeny, Archbold, Beaver, Bennett, Blockson, Byers, Dubbs, Emrie, Evans, Ewing, Graham, Haines, Hendricks, Judy, Myers, Scott, Swift, Whitman and Wilson.

Of the House—Messrs. Brewer, Burt, Cockerill, Dalzell, Dresbach, Edson, Franks, Johnson of Medina, Keller, King, Larimer, Long, Miller, Monfort, Moore, Morrow, Morris, Mott, Myers, Potter, Ringwood, Roedter, Sheldon, Van Buskirk, Vorhes, Whiteley and Speaker—45.

Those who voted in the negative, were

Of the Senate—Messrs. Backus, Blake, Burns, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Goddard, Horton, Kendall, Lewis, Worcester and Speaker.

Of the House—Messrs. Biggar, Bundy, Chaffee, Copeland, Dodds, Durbin, Foster, Giddings, Green, Gregory, Hammond, Hardesty, Holcomb, Johnson of Cuyahoga, Jones, Julian, Lee, Leiter, Marsh, McClure, Morse, Norris, Olds, Pennington, Phillips, Randall, Riddle, Scott, Smart, Smith of Brown, Smith of Madison, Thompson, Townshend, Truman, Van Doren, Watt, Will and Woodford—54.

So the convention refused to adjourn.

Mr. Burns moved that the Senators withdraw from the Hall of the House and repair to the Senate chamber.

Mr. Byers demanded the yeas and nays, which were ordered, and resulted—yeas 15, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Scott, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Swift, Worcester and Speaker—19.

So the Senators refused to withdraw.

Mr. Leiter moved that the convention take a recess until three o'clock this afternoon.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 52, nays 41, (adding the votes of each house together) as follows:

Those who voted in the affirmative, were

Of the Senate—Messrs. Archbold, Backus, Beaver, Bennett, Blocksom, Byers, Conklin, Dubbs, Evans, Ewing, Graham, Haines, Judy, Lewis, Myers, Swift, Whitman and Wilson.

Of the House—Messrs. Armstrong, Brewer, Burt, Cockerill, Copeland, Dalzell, Dresbach, Durbin, Franks, Johnson of Cuyahoga, Keller, King, Larimer, Leiter, Long, Miller, Monfort, Moore, Morrow, Morris, Mott, Myers, Norris, Potter, Riddle, Ringwood, Roedter, Sheldon, Smart, Smith of Brown, Townshend, Van Buskirk, Van Doren, and Speaker—52.

Those who voted in the negative, were

Of the Senate—Messrs. Blake, Burns, Chase, Claypool, Corwin,

Dennison, Dimmock, Hendricks, Horton, Kendall, Worcester and Speaker.

Of the House—Messrs. Bigger, Bundy, Chaffee, Dodds, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Johnson of Medina, Jones, Julian, Lee, Marsh, Morse, Olds, Pennington, Phillips, Randall, Reber, Scott, Smith of Madison, Thompson, Truman, Watt, and Woodford—41.

So the convention took a recess until 3 o'clock, P. M.

The Senators then repaired to the Senate chamber and being called to order by the Speaker,

On motion of Mr. Dimmock,

The Senate took a recess until half past two o'clock, P. M.

TWO AND A HALF O'CLOCK, P. M.

On motion of Mr. Myers,

The Senators, preceded by their Speaker and Clerk, again repaired to the Hall of the House to open and publish the returns of the votes given for Governor of Ohio on the second Tuesday of October, 1848, and being seated within the bar, the Speaker, in the presence of the members of both houses, stated that he would, after opening and publishing the votes, take to his assistance four Senators and eight Representatives, as a committee to examine, add up the several abstracts of votes given for Governor of Ohio (to him returned) and to correct errors if any be found and report the same to the convention before the final result of the opening and publishing of the votes was announced.

The Speaker then proceeded to open and publish the returns (by the aggregate vote) of the several counties, as follows:

COUNTIES.	WELLER.	FORD.	Sq. T.
Athens	1280	1639	---
Ashland	2342	1316	---
Adams	1553	1293	---
Belmont	2798	3169	9
Brown	2330	1871	---
Butler	3574	2150	---
Carroll	1385	1596	---
Champaign	1446	1910	---
Clark	1340	2407	---
Clermont	2340	2142	---
Clinton	1108	1949	---
Columbiana	2739	2238	54
Coshocton	2095	1574	3
Crawford	1568	751	84

At the suggestion of Mr. Dennison, the abstract of the vote of Crawford county was passed and referred to the committee, in order to correct any error that might appear therein.

COUNTIES.	WELLES.	FORD.	SCAT.
Cuyhoga	2290	3329	---
Dirke	1560	1608	---
Delaware	2006	2205	72
Defiance	---	---	---

It appearing on the abstract that no names were given showing for whom the votes were cast, the abstract from the county of Defiance was passed and referred to the committee on Investigation.

COUNTIES.	WELLES.	FORD.	SCAT.
Erie	1112	1392	20
Fairfield	3573	2286	---
Fayette	904	1147	---
Franklin	2334	2335	14
Gallia	978	1451	---
Geauga	897	2005	41
Greene	1264	2192	---
Guernsey	2589	2525	296
Hamilton	9930	6307	8
Hancock	1320	868	---
Hardin	544	557	---
Harrison	1678	2005	1
Henry	239	222	---
Highland	2121	2212	---
Hocking	1296	707	---
Holmes	2002	939	---
Huron	1682	2135	12
Jackson	1061	824	---
Jefferson	2358	2374	1
Knox	3234	2288	32
Licking	3438	3269	---
Lucas	1126	1239	---
Logan	1064	1680	---
Lorain	1551	2155	59

At the suggestion of Mr. Ewing, the abstract of votes for Lorain county was referred to the committee; he suggesting that there was no seal of the clerk of the county court on the aforementioned abstract.

COUNTIES.	WELLES.	FORD.	SCAT.
Lawrence	676	948	---
Lake	715	1606	6
Madison	691	1259	1
Mahoning	2069	1269	2
Marion	1440	1302	---
Medina	1635	1926	12
Meigs	908	1901	1
Miami	1666	2425	---
Monroe	2218	1119	---

COUNTIES.	WELLER.	FORD.	SCAT.
Montgomery	3436	3679	---
Morgan	2492	2441	---
Muskingum	3187	4117	---
Mercer	537	346	---
Morrow	---	---	---
Ottawa	267	173	---
Paulding	162	59	---
Perry	2076	1287	---
Pickaway	2076	1994	---
Pike	831	770	---
Portage	2097	2249	157

On motion,

The abstract of the votes of Portage county was passed and referred to the committee, as an error appeared on the face of the abstract.

COUNTIES.	WELLER.	FORD.	SCAT.
Preble	1456	2204	---
Putnam	613	323	---
Richland	2959	1881	---

Mr. Burns suggested that the abstract of the votes of Richland county should be passed and referred to the committee, in order to correct an error in the abstracts forwarded to the Speaker.

Which was agreed to.

COUNTIES.	WELLER.	FORD.	SCAT.
Ross	2204	2896	---
Sandusky	1074	874	---
Scioto	1069	1507	---
Seneca	2071	1493	---
Shelby	1153	1027	---
Stark	3288	2431	28
Summit	1866	2489	5
Trumbull	2028	3069	15
Tuscarawas	2359	2496	---
Union	785	1070	23
Van Wert	320	155	---
Warren	1864	2791	---
Washington	1823	2266	3
Wayne	3256	2091	---
Williams	484	269	---
Wood	557	562	---
Wyandott	939	833	---

The Speaker of the Senate having concluded opening and publishing the returns of the several counties, announced the following named

Senators and Representatives as a committee to examine, add up and correct all errors that might appear on the abstracts returned to him:

Messrs. Backus, Whitman, Beaver and Wilson, of the Senate, and Messrs. Leiter, Holcomb, Whiteley, Morris, Chaffee Riddle, Brewer, and Bigger, of the House.

On motion of Mr. Whitman,

The convention took a recess until 9 o'clock on to-morrow morning.

TUESDAY, JANUARY 9, 1849.

The Convention met pursuant to the motion for a recess.

On motion of Mr. Whitman,

A call of the Convention was had, and Messrs. Patterson and Vinal, of the Senate, and Messrs. Hambleton, Howard, Larimer, McClure, Miller, Monfort, Morrow, Myers and Reber, Representatives, were found absent.

On motion,

All further proceedings under the call were dispensed with.

Mr. Whitman, in behalf of himself and others appointed to examine the abstracts, made the following report:

Mr. Beaver raised a point of order.

The Speaker decided it to be in order, whereupon it was read.

The undersigned, members of the Joint Committee of the Senate and House of Representatives, appointed to aid in canvassing the returns made for Governor, have attended, in connection with the other members of said committee, to the duty assigned us, and now beg leave respectfully to report that the result of said canvassing is as follows:

According to the returns opened,

Seabury Ford has an aggregate vote of.....	145,816
John B. Weller has an aggregate vote of.....	146,105

In the above aggregate of votes, the vote of the county of Defiance is not counted, as there is no return for said county in conformity to law, the return not naming the persons voted for, for Governor.

The vote of the county of Lorain is also not counted, as there is no return for said county in conformity with law, the returns not being certified under the official seal of the clerk of said county.

The duplicate returns from the county of Van Wert differ in the footings 10 votes. But the certificates of the clerk and justices in both returns agree in accordance with the footings of one of the returns, and these 10 votes are therefore included in the above aggregate of votes of John B. Weller.

The votes cast in that portion of Morrow county taken from Richland, and duly returned as appeared by the returns, opened by the Speakers, are included in the foregoing aggregate.

In Crawford county, 84 votes appear on the return as being given for "Seabury," and are therefore not included in the aggregate.

From which it appears that John B. Weller has received a majority of two hundred and eighty-nine votes over Seabury Ford for the office of Governor.

H. C. WHITMAN,
J. W. WILSON,
BENJ. F. LEITER,
M. C. WHITELEY,
JAS. R. MORRIS,
DANIEL BREWER,
Of the Committee.

Mr. Whitman offered the following resolution for adoption:

Resolved, That a committee of six on the part of the House, and ——— on the part of the Senate, be appointed by the respective Speakers of each House, to examine, in the presence of both Houses, the returns of votes made for Governor by the clerks of the several counties of the State.

Mr. Dennison raised a point of order.

The Speaker of the Senate decided the resolution to be out of order, but permitted Messrs. Whitman, Dennison and Backus, to discuss it.

After several ineffectual attempts on the part of Messrs. Archbold, Myers and other Senators to get the floor,

The Speaker, refusing to recognize them, was heard to say that he "agreed in the main with the Senator from Fairfield, [Mr. Whitman] but"

Owing to the confusion which prevailed in the assemblage, it was impossible for the Speaker of the Senate to be further heard by the Clerk.

The Speaker having vacated the chair, the members of the Senate thereupon retired in confusion from the hall of the House to the Senate chamber, when being called to order by the Speaker,

A call of the Senate was had, and Messrs. Byers, Dimmock, Dubbs, Emrie, Evans, Ewing, Patterson, Scott, Swift, Whitman and Wilson, were found absent.

Mr. Goddard moved that all further proceedings under the call be dispensed with.

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 19, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Wilson, Worcester and Speaker—19.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Chase, Emrie, Graham and Myers—8.

So the motion was agreed to.

Mr. Goddard moved that the Senate take a recess.

Mr. Corwin moved that the Senate adjourn,

Which motion having precedence, was first put.

Mr. Ankeny demanded the yeas and nays thereon, which were ordered, and resulted—yeas 16, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, and Worcester—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Chase, Emrie, Goddard, Graham, Myers, Wilson and Speaker—11.

So the Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk

WEDNESDAY, JANUARY 10, 1849.

On motion of Mr. Wilson,
The Senate took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Whitman,
The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

THURSDAY, JANUARY 11, 1849.

Mr. Goddard moved to amend the Journal of yesterday, as follows:

"The Clerk commenced reading the journal, and had read as far as that passage which states that a motion was made by Mr. Myers for the

appointment of a committee; when, upon the suggestion of a Senator, that the motion of Mr. Myers was for the informal appointment of such committee, a discussion took place, when,

On motion of Mr. Wilson,
The Senate took a recess.

THREE O'CLOCK, P. M.

The discussion which was commenced in the morning, was continued, and

On motion of Mr. Whitman,
The Senate adjourned."

Mr. Whitman moved a call of the Senate, which was ordered and Messrs. Archbold, Bennett, Blake and Graham were found absent.

On motion of Mr. Wilson,
Messrs. Bennett and Evans were excused on account of illness.
On motion of the same gentleman,

All further proceedings under the call were dispensed with.

The question then being on agreeing to the amendment to the Journal,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Buckus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—17.

So the Senate refused to amend the journal.

Mr. Ankeny presented the petition of James Cunningham jr. and 57 others of Guernsey county, for the relief of John Devine, James M. Snyder and William Sharp.

Laid on the table.

Mr. Vinal presented the petition of John A. Corwin and 15 other members of the bar in the 12th judicial circuit, for an alteration in the limits of said circuit.

Referred to the standing committee on the judiciary.

Mr. Ewing presented the petition of the Trustees and Faculty of the Eclectic Medical Institute of Cincinnati, for an act increasing the amount of their capital stock.

Referred to the standing committee on Medical Societies and Colleges.

Also the petition of Mrs. Alpha M. H. Buck, alias Alpha M. H. King, with certain depositions, praying to be divorced from her husband John King.

Referred to the standing committee on the judiciary.

Mr. Chase presented the report of the Secretary of the Miami University, which was read at the clerk's desk.

Referred to the standing committee of Medical Colleges and Societies.

Mr. Byers presented the petition of James G. Culbertson, asking relief for damages sustained on his land in Henry county, by the erection a dam by the State, on the Maumee River.

Referred to a select committee of one—Mr. Byers.

Mr. Myers presented the petition of Walter Woodward and 18 other citizens of Springfield, Washington and Pt. Lawrence townships, Lucas county, for a special tax for road purposes.

Referred to the standing committee on Roads and Highways.

Also the petition of 50 inhabitants of Wood county, for a law for the construction of a Plank Road from Perrysburg to Findlay.

Laid on the table.

Mr. Conklin presented the affidavit of Judge Cecil, in relation to his claims for damages.

Referred to the standing committee on claims.

Also the petition of Hugh Thompson and 77 citizens of Sidney, in Shelby county, for the passage of an act to authorize the Town Council of said town, to subscribe to the capital stock of the Sidney and Wapakonetta Turnpike Road Company; also, for an amendment to charter of said town of Sidney.

Referred to a select committee of one—Mr. Conklin.

Mr. Wilson presented the petition of H. B. Cain and 49 other citizens of Seneca county, for a Homestead Exemption.

Laid on the table.

Mr. Archbold was speaking to a question of privilege, when he was called to order by Mr. Kendall, who raised a question of order which he reduced to writing as follows:

"Is the member from Monroe, in calling the Speaker a tool for any side of the Chamber, in order?"

The Speaker decided the question in the negative.

Mr. Ewing moved that the Senator have leave to proceed, which was agreed to.

Mr. Swift from a select committee introduced the following bill:

S. No. 35; A bill authorizing the town Council of Akron, to levy a tax to liquidate the debts due from said town.

Mr. Myers from a select committee, introduced the following bill:

S. No. 36; A bill to amend the act relating to the collection of taxes in the city of Toledo.

Said bills were severally read the first time.

The following bills were severally read a second time, and committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 31; A bill to incorporate the Hamilton, Rossville, Millville and Scipio Turnpike Road Company.

S. No. 32; Making William Leonidas Davidson, the legal heir of William B. Maxey, deceased.

S. No. 33; Concerning Writs of Error in fact.

S. No. 34; To amend the act relating to juries.

On motion of Mr. Burns,

Resolved; That the committee on public printing, be and they are hereby requested to inquire and report to the Senate, as soon as practicable, the number of copies of the Auditor's report for the year 1848 which have been printed, by whom printed, and by what authority the printing has been done.

On motion of Mr. Goddard,

Resolved, That the Sergeant-at-arms under the direction of the Speaker, purchase twenty-four chairs for the use of visitors to the Senate Chamber.

Mr. Goddard gave notice that on to-morrow or some subsequent day of the present term, he would on leave introduce a bill to provide for holding the terms of the Supreme Court.

Mr. Chase offered for adoption the following resolution:

WHEREAS, by the second section of the second article of the constitution, it is made the duty of this General Assembly, in case two or more candidates for Governor be equal and highest in votes, to choose one of them to be Governor by joint ballot of both Houses of the General Assembly: and whereas from the uncertainty which now exists in the canvassing of that vote, there is a difference of opinion among members of the General Assembly, whether John B. Weller or Seabury Ford have the highest number of votes, or whether they have an equal number; Therefore

Resolved, That for the purpose of ascertaining whether the exigency exists which requires the action of this General Assembly, in pursuance of the said above recited clause of the constitution of this State, a joint committee of both houses, consisting of four members on the part of the Senate, and members on the part of the House, be appointed to ascertain from the abstracts transmitted to the Speaker of the Senate the whole number of legal votes given for each candidate; whether they have an equal, and the highest number of votes; and which, if either one, has the majority; and also such other information touching the canvass of the votes for Governor as they may deem proper for the information of this General Assembly.

Resolved further, That the Speaker of the Senate lay before the Senate all the abstracts of the votes for Governor, which have been transmitted to him either by mail or through members of this General Assembly, as well those which have been opened by him as those which have not.

On motion of Mr. Dennison,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on the adoption of the preamble and resolution.

On motion of Mr. Corwin,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

FRIDAY, JANUARY 12, 1849.

Mr Wilson presented the petition of Abraham Crain and 50 other citizens of Seneca county, for a repeal of so much of the law establishing a State Road from Lower Sandusky to Findlay, as compels the expenditure of labor by persons not residing on the said road.

Referred to the standing committee on Roads and Highways.

Mr. Myers presented the petition of 65 citizens of Wood county, for incorporating a company to construct a Plank Road from Perrysburg to Findlay.

Laid on the table.

Mr. Whitman presented the petition of Joseph Work, Guardian of Nancy and Catherine Work, praying for an amendment of the tax law.

Referred to the standing committee on the Judiciary.

Mr. Conklin presented the memorial of the officers of the Bellefontaine and Indiana Rail Road Company, for a charter extending the same from Marion, in Marion county, to Mansfield in Richland county.

Referred to a select committee of three—Messrs. Conklin, Judy and Burns.

Mr. Worcester presented the petition of citizens of Ashland county, for the election of Andrew H. Paxton, as an Associate Judge for said county.

Laid on the table.

Also the petition of citizens of Huron county, to apply the tolls of the Western Reserve and Maumee Road, to its extension through Norwalk and Elyria, to Cleveland.

Referred to a select committee of one—Mr. Worcester.

Mr. Ewing presented the petition of E. B. Reeder, John C. Thorp and others, for the incorporation of the City Insurance Company of Cincinnati.

Referred to a select committee of one—Mr. Ewing.

The following bills were read a second time, and committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 35; Authorizing the Town Council of Akron, to levy a tax to liquidate the debts due from said town.

S. No. 36; To amend the act relating to the collection of taxes in the city of Toledo.

Mr. Goddard, according to previous notice, introduced the following bill:

S. No. 37; A bill prescribing the times of holding the Supreme Court.

Said bills were severally read the first time.

Mr. Archbold offered for adoption the following resolution:

Resolved, That this Senate is a Senate of equals; no one Senator being entitled to any precedence or preference over another. That except, in cases of the previous question, to refuse to permit one Sena-

tor, who has not before participated in the debate, to reply to the arguments of another; or to add other arguments is a high breach of the privileges of this body. And that Senators do not lose their condition of essential equality by joining the House of Representatives in convention.

Mr. Goddard moved to amend by adding the following, which was agreed to.

Excepting so far as the constitution, laws and rules of the Senate have conferred upon the Speaker rights and obligations not belonging to other members.

The same gentleman moved to amend further by adding the following as an additional resolution:

Resolved, That it is the duty of the Speaker to examine and correct the journal.

Mr. Whitman raised a question of order, which was reduced to writing as follows:

That the amendment offered as an additional resolution, is out of order, as it relates to a different subject matter from that embraced in the original resolution, or as amended.

The Chair decided in the affirmative.

Mr. Goddard appealed from the decision of the chair.

The question being, "shall the decision of the Chair stand as the judgment of the Senate?"

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 13, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Blocksom, Byers, Dimmock, Graham, Kendall, Myers, Patterson, Scott, Swift, Whitman and Wilson—13.

Those who voted in the negative, were

Messrs. Backus, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Ewing, Goddard, Haines, Hendricks, Horton, Judy Lewis, Vinal and Worcester—16.

So the Senate refused to sustain the decision of the Chair.

The question then recurred on the adoption of the amendment to the resolution.

Mr. Hendricks moved to amend the amendment by adding the following, which was agreed to.

And the duty of members "to love one another."

Mr. Byers moved further to amend by adding the following, which was agreed to.

But it is not his duty to alter the journal by striking the truth therefrom, or by inserting matters or proceedings which never occurred.

The same gentleman moved to amend as follows:

To insert after the word journal "before the same shall be read."

On motion of Mr. Blake,

The resolution and pending amendments were
Laid on the table.

Mr. Claypool offered for adoption the following:

Resolved, That the Clerk of the Senate be and he is hereby authorized to employ as many assistant clerks as he may deem necessary for the proper and speedy discharge of the duties incumbent on the said clerk; provided, that the number so employed by him, shall not exceed the number appointed and paid during the last session of the Legislature of Ohio.

Mr. Goddard moved to refer the resolution to the standing committee on the judiciary.

Mr. Burns moved to amend the motion by adding the following:

With instructions to inquire how many assistant Sergeant-at-arms have been employed, and also how many is necessary to be employed in order to do the business.

Mr. Ankeny demanded the yeas and nays thereon, which were ordered, and resulted—yeas 15, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Archibald, Backus, Beaver, Blake, Byers, Dennison, Dubbs, Ewing, Goddard, Haines, Horton, Hendricks, Swift, Whitman and Worcester—15.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Chase, Claypool, Conklin, Corwin, Dimmock, Emrie, Graham, Judy, Kendall, Lewis, Myers, Patterson, Scott, Vinal, Wilson and Speaker—19.

So the motion was lost.

The question then being on agreeing to the adoption of the resolution, it was agreed to.

Mr. Emrie from the majority of the standing committee on Public Printing, in obedience to a resolution of the Senate, in the following words to wit:

“Resolved, That the committee on printing ascertain and report to the Senate, whether the printed bills which have been laid upon the desks of Senators, were printed by the person with whom a contract has heretofore been entered into under the act of 1845, and the act amendatory thereto; and if not, by whom the said bills have been printed, and by virtue of what law, and further to report whether the paper upon which the said bills have been printed belongs to the State, and if so, by whom purchased and under what law the same was purchased.”

Now respectfully report that your committee are not aware of the existence of any law, or any contract entered into previous to the commencement of the present session of the legislature, binding upon this Senate as to its printing.

The printing is at present executed by Samuel Medary, Esq., by virtue of an arrangement made with him by the Clerk, under the sanction of a majority of the committee on Public Printing, the prices to be paid for said printing, not to exceed those paid for the printing for the year 1847-8.

The paper upon which the printing is executed, is purchased by Mr. Medary.

Respectfully submitted,

J. B. EMRIE,
ASA G. DIMMOCK.

Mr. Blake from the same committee made the following report:

The minority of the standing committee to whom was referred the resolution on printing in the words following:

"Resolved, That the committee on printing ascertain and report to the Senate whether the printed bills which have been laid upon the desks of Senators, were printed by the person with whom a contract has heretofore been entered into under the act of 1845, and the act amendatory thereto; and if not, by whom the said bills have been printed and by virtue of what law, and further to report whether the paper upon which the said bills have been printed belongs to the state, and if so, by whom purchased and under what law the same was purchased;" has had the same under consideration and now reports, that the printed bills which have been laid upon the desks of Senators, were not printed by the person with whom a contract has heretofore been entered into under the act of 1845, and acts amendatory thereto. The printing mentioned in the said resolution, is done by Samuel Medary, Esq., by virtue of an arrangement (as is said by a majority of your committee,) made with him by the Clerk of the Senate, under an authority from Messrs. Dimmock and Emrie, two of the members of the standing committee on printing; and further, the paper on which the said bills are printed, is furnished by said Medary, under the same arrangement and authority.

The majority of your committee say they are not aware of the existence of any law or any contract entered into previous to the commencement of the present session of the legislature binding upon this Senate as to its printing. The committee, however, indirectly admit there is such a law as suggested by the inquiry of the resolution, and that there are contracts entered into under it, but they assume the law and the contracts made pursuant to its provisions, are a nullity. From an opinion so fraught with injustice and derogatory to the honor of the State, the subscriber is compelled to dissent.

In July 1846, Jonathan Phillips of this city, a competent and responsible contractor, contracted in writing, according to law, with the State of Ohio, to execute pursuant to the act of March 12, 1845, and its supplement, the printing of bills of the two houses of the General Assembly, together with such resolutions and other matters as the two houses or either of them may order to be printed in the same form as bills, at 20 cents per 1000 m's for composition, and 20 cents per token for press work for three years, from July 1, 1846. It will be seen therefore, there is a subsisting contract for the same printing, which the majority says is now done by Mr. Medary, under an arrangement with the Clerk of the Senate, (Mr. Knapp.)

The subscriber believes said contract is valid, and disregarding it, as the Clerk has done, is a flagrant violation of official duty, and if permitted by the legislature, will involve the State in the odious light of broken faith.

It seems clear to the subscriber, that Mr. Phillips, is entitled to have the printing of bills, &c. according to the promise of the State in her bond. He should have the work or be compensated in damages for whatever loss he may sustain in consequence of the Clerk employing Mr. Medary to do the printing mentioned in Mr. Phillips contract.

What particular duty the Senate has to perform in relation to its own printing, other than the ordinary legislative duty, the subscriber is not aware, he believes the power and duty of the Senate to be legislative purely; and as all legislative power is vested in the General Assembly, the printing was properly provided for by law for the two houses. Neither branch of the legislature can exercise any legislative power alone; hence the Clerk who is unknown to the constitution, can find no warrant for disregarding the duty of the State in employing Mr. Medary to do the printing previously contracted to another, and the contract sanctioned by an act of the General Assembly.

It may be proper further to say, that the Auditor of State advanced in accordance with the provisions of the law, to Jonathan Phillips the contractor, three hundred dollars, which will be a clear loss to the State if the conduct of a majority of the committee and the clerk be tolerated. The majority of your committee has given no reason whatever for their opinion to rest upon, and it was well perhaps they attempted not to reason. The position they assume, is not only without reason to support it, but is morally and legally incorrect. The system which is attempted to be revived, is that of plunder upon the people's treasury, and though the committee may specify rates and prices, ere long the treasury will be the prey of the speculator, and the people's money will inevitably again become a mass of political grabbings. The law of March 12, 1845, providing for the letting of State Printing to the lowest bidder, is not only fair and just to the citizen mechanics who wish to compete for State employment, but proper in itself as a measure of retrenchment so much needed in times of high taxes. It is within the purview of the constitution—a saving to the State, and provides for the faithful discharge of that part of the public service. The Clerk therefore should have sent the bills &c., to Mr. Phillips, and saved the disgrace which broken forth necessarily brings with it.

All which is respectfully submitted,

H. G. BLAKE.

Laid on the table.

Mr. Conklin from the select committee to whom was referred the petition of citizens of the town of Sydney, that said town be authorized to take stock in the Sydney and Waupakoanetta Turnpike Road Company, and for certain amendments to the charter of said town, reported upon the first part of the prayer of said petition by bill.

S. No. 38; A bill to authorize the Town Council of the Town of

Sidney, to subscribe to the capital stock of the Sidney and Wapakonnetta Road Company.

Said bill was read the first time.

Mr. Myers offered for adoption the following, which was agreed to:

WHEREAS, The Senate on the 27th of December last, passed a resolution calling upon the Auditor of State, for certain information in relation to the returns of abstracts or rolls by collectors of tolls on the State Canals, and the manner of examining said returns in the said Auditor's office; and whereas the said Auditor for some cause unknown to the Senate, has not replied to said resolution — **Therefore Resolved**, That the Auditor of State be requested forthwith to inform the Senate why he has not answered said resolution.

Mr. Worcester gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill for the better organization of public schools in cities, towns and villages.

Also that on to-morrow or some subsequent day, he would ask leave to introduce a bill to amend the act regulating public schools in the city of Columbus.

Mr. Beaver presented the report of the President of the Board of the Pennsylvania and Ohio Canal Company, showing the affairs of said Company for the fiscal year ending 3d January, 1849.

Laid on the table.

On motion of Mr. Beaver,
The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

SATURDAY, JANUARY 13, 1849.

Mr. Chase presented the petition of Oliver S. Witherby and ten others for an act to incorporate the Butler Encampment No. 7, of the Independent Order of Odd Fellows.

Referred to select committee of one—Mr. Chase.

Also, the petition of Enoch McCarty and six others, directors of the Harrison, New Trenton, Rochester and Brookville Turnpike Company, for leave to locate and construct a portion of their road within the limits of Ohio:

Referred to the standing committee on Roads and Highways.

Mr. Myers presented the petition of L. B. Otis and 13 other citizens of Sandusky and Erie counties for the incorporation of the Lower Sandusky and Sandusky City Plank Road company.

Referred to the standing committee on Roads and Highways.

On motion of Mr. Archbold,
The rules were suspended.
The Speaker laid before the Senate the following communication.

SECRETARY OF STATE'S OFFICE,
Columbus, January 12, 1849.

To the Hon. the Senate of Ohio:

The Governor and Secretary of State are ready to open the congressional returns, and await your convenience as to the time.

Respectfully,

SAMUEL GALLOWAY.

On motion of Mr. Archbold,

Resolved, That a message be sent to the Governor and Secretary of State informing them that the Senate will be ready to receive them at three o'clock in the afternoon of this day, in order to open the returns and count the votes for Representatives in congress according to the twenty-seventh section of the act to regulate elections.

Mr. Haines presented the petition of Joshua Davis and sixty others, for a law incorporating the Malta and Putnam Plank Road company.

Referred to a select committee of one—Mr. Haines.

Mr. Horton, from the standing committee on claims, reported the following resolution, which was agreed to:

Resolved, by the General Assembly of the State of Ohio, That there be paid to N. A. Hanna & Co. the sum of twenty dollars for chairs purchased for the use of the Senate; and that provision be made for the same in the general appropriation bill.

Mr. Claypool, from the standing committee on the Penitentiary, to which had been referred Senate resolution relating to the number of convicts who have been pardoned out of the Penitentiary by Governor Bebb, made the following report:

(See Appendix, page 307.)

On motion of Mr. Conklin,

The same was recommitted to the same committee with instructions to inquire and report to the Senate how much of the term for which each convict so pardoned had been sentenced remained unexpired at the time of such pardon.

Mr. Backus, from a majority of the standing committee on Finance, introduced the following bill:

S. No. 39; A bill making appropriations for the year 1849.

Mr. Ewing, from a select committee, introduced the following bill:

S. No. 40; A bill to incorporate the City Insurance company of Cincinnati.

Said bills were read a first time.

The Speaker laid before the Senate a communication from the Secretary of State in reply to a resolution of the Senate relating to the names of bidders for public printing, with prices &c.

Also, the annual report of the Treasurer of State.

(See Vol. Pub. Doc.)

Mr. Dimmock moved to lay said report on the table to be printed.

Mr. Goddard demanded a division of the question.

The question being on laying the report on the table, was agreed to.

The question then being on ordering it to be printed,

Said motion was laid on the table.

The Speaker laid before the Senate the report of the Commissioners on the State House, accounts, vouchers, &c., relating to the State House.

(See Vol. Pub. Doc.)

Laid on the table.

Also the special report of the Auditor of State in accordance with the Senate resolution relative to bonds issued since the 8th February, 1847, to the creditors or stockholders of any turnpike, &c.

(See Pub. Doc.)

Mr. Whitman moved that the report be laid on the table to be printed.

Mr. Goddard demanded a division of the question.

The question being on laying the report on the table, was agreed to.

The question then being on ordering it to be printed,

Said motion was laid on the table.

On motion of Mr. Dimmock,

The petition of H. B. Cain and 49 other citizens of Seneca county, for a Homestead Exemption, was taken up and referred to a select committee of three—Messrs. Dimmock, Beaver and Wilson.

Mr. Hendricks gave notice that he would on Monday or some subsequent day of the present session ask leave to introduce a bill to establish and construct a free turnpike road from Eaton, by way of West Florence, to the Indiana state line, on the Boston state road.

Mr. Chase, agreeably to previous notice, introduced the following bills:

S. No. 41; A bill to repeal the act entitled "an act to create the office of Attorney General and to prescribe his duties," and the act amendatory thereto.

S. No. 42; A bill to repeal the act entitled "an act to authorize the town of Hamilton to borrow money and for other purposes."

Mr. Wilson, agreeably to previous notice, introduced the following bills:

S. No. 43; A bill to repeal the charter of the bank of Norwalk.

S. No. 44; A bill to repeal certain charters therein named.

Said bills were severally read a first time.

Mr. Dennison offered for adoption the following joint resolution:

Resolved by the Senate and House of Representatives, That there be paid to George Riordan, for services in attendance on the court in bank at its session of one thousand eight hundred and forty-eight and nine, the sum of eighty dollars, and that the same be paid out of any unexpended moneys in the state treasury appropriated for the payment of claims.

On motion of Mr. Archbold,

The resolution was referred to the standing committee on the Judiciary.

Mr. Conklin, agreeably to previous notice, introduced the following bill:

S. No. 45; A bill to lay out and establish a free turnpike road from Sidney to St. Marys.

Which was read a first time.

On motion of Mr. Chase,

The preamble and resolutions relative to the appointment of a joint committee to ascertain from the abstracts the number of legal votes given for John B. Weller and Seabury Ford, for Governor, were taken up.

Mr. Worcester moved to amend by adding,

Provided, that in such examination it shall be the duty of said committee to resort to the duplicate abstracts in the hands of the Speaker which have been forwarded to him either by mail or placed in his hands by the members of this General Assembly, and to the abstracts of the votes given in the several counties of this state at the general election held on the 10th day of October last, and on file in the office of the Secretary of State, and all votes which appear from any of the sources aforesaid to have been given to either of said candidates, shall be counted to them respectively.

On motion of Mr. Dubbs,

The preamble and resolutions with the pending amendment, were laid on the table.

On motion of Mr. Wilson,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Dennison, agreeably to previous notice, introduced the following bill:

S. No. 46; A bill amendatory to the act entitled "an act prescribing the times of holding the court of common pleas in the twelfth judicial circuit," passed February 2, 1848.

Mr. Hendricks, agreeably to previous notice, introduced the following bill:

S. No. 47; A bill to establish a free turnpike road from Carrollton in Montgomery county, to Eaton, in Preble county.

Said bills were severally read the first time.

On motion of Mr. Hendricks,

The resolution with the pending amendment relative to calling on ministers to open each session in the morning with prayer, was taken up.

Mr. Ewing moved a call of the Senate, which was ordered, and Messrs. Bennett, Evans and Kendall were found absent.

On motion,

All farther proceedings under the call were dispensed with.

The question being on the adoption of the amendment to the resolution, it was withdrawn.

The question then recurred on the adoption of the resolution as amended.

Mr. Myers moved to strike out the substitute and insert the original resolution.

Mr. Dennison moved to amend by adding, "and that the Speaker designate the days on which the Clergymen shall respectively officiate."

On motion of Mr. Archbold,

The resolution with the pending amendments was laid on the table.

The Governor and Secretary of State then appeared within the Senate chamber and proceeded to open and canvass the votes given for members of Congress in the State of Ohio, at the annual election held on the second Tuesday of October, A. D. 1848, as follows, viz:

FIRST DISTRICT.

	David T. Disney.	Thomas J. Strait.	Samuel Lewis.	M. S. Wade.	Scat.
Hamilton-----	9292	6297	2158	509	5

SECOND DISTRICT.

	William H. Baldwin.	Lewis D. Campbell.
Warren-----	1850	2744
Butler-----	3547	2172
Clinton-----	1082	1998
	6479	6914

THIRD DISTRICT.

Joseph W. McCorkle. Robert C. Schenck.

Montgomery	3507	3597
Darke	1616	1564
Preble	1552	2108
Greene	1407	2020
	8082	9289

FOURTH DISTRICT.

John A. Corwin. Moses B. Corwin. Wm. A. Rogers.

Clark	1323	2304	132
Champaign	1429	1667	319
Logan	1021	1480	273
Union	773	988	112
Miami	1669	2322	194
	6215	8761	1030

FIFTH DISTRICT.

Emery D. Potter. John Fitch. Scat.

Allen	953	10	27
Henry	297	193	--
Van Wert	318	156	--
Lucas	1082	1234	--
Putnam	618	303	--
Defiance	---	---	--
Paulding	158	57	--
Williams	459	259	--
Mercer	530	115	--
Shelby	1126	1000	--
Hardin	545	553	--
Auglaize	943	358	--
	7029	4240	27

SIXTH DISTRICT.

Rodolphus Dickinson. Cooper K. Watson.

Sandusky	1052	871
Wood	551	546
Ottawa	---	---
Crawford	1557	824
Seneca	1994	1421
Hancock	1316	690
Wyandott	984	832
	7404	5184

SEVENTH DISTRICT.

Jonathan D. Morris. John Joliffe. Tho's Gatch.

Clermont.....	2684	1497	----
Brown.....	2353	830	848
Highland.....	2098	1258	430
	7135	3583	1278

EIGHTH DISTRICT.

John L. Taylor. Francis Cleveland.

Scioto.....	1530	1064
Ross.....	2931	2160
Jackson.....	868	1021
Pike.....	797	820
Adams.....	1273	1559
	7449	6624

NINTH DISTRICT.

Edson B. Olds. Thomas O. Edwards.

Madison.....	667	1299
Fayette.....	897	1142
Pickaway.....	1961	2079
Fairfield.....	3459	2386
	6984	6906

TENTH DISTRICT.

Charles Sweetzer. Daniel Duncan. E. C. Wright.

Franklin.....	2854	2880	171
Licking.....	3432	3242	---
Delaware.....	2168	2316	17
	8454	8438	188

ELEVENTH DISTRICT.

John K. Miller. Jacob Brinkerhoff. Scot.

Richland.....	4692	2310	---
Knox.....	3137	1923	9
Marion.....	1346	1229	---
	9165	5462	9

TWELFTH DISTRICT.

Simeon W. Tucker. Samuel F. Vinton. David Richmond.

Athens	859	1580	438
Hocking	1140	709	68
Lawrence	596	988	65
Gillia	930	1427	39
Meigs	891	1115	60
	4416	5799	670

THIRTEENTH DISTRICT.

William P. Cutler. William A. Whittlessey.

Washington	2286	1823
Perry	1304	2083
Morgan	2447	2489
	6037	6375

FOURTEENTH DISTRICT.

Nathan Evans. Matthew Gastou.

Muskingum	4106	3171
Guernsey	2506	2669
	6606	5840

FIFTEENTH DISTRICT.

William F. Hunter. William Kennon Jr. Scat.

Belmont	3803	2733	--
Harrison	2043	1652	3
Monroe	1365	1963	4
	6711	6338	7

SIXTEENTH DISTRICT.

Moses Hoagland. Martin Welker. Jos. Ankeny. Scat.

Coshocton	2017	1595	4	--
Holmes	1797	1058	--	3
Tuscarawas	2290	2501	46	--
	6104	5144	50	3

SEVENTEENTH DISTRICT.

Joseph Cable. James Mason. Wm. Farmer. Scat.

Columbiana	3414	2512	305	--
Jefferson	2248	2257	224	--
Corroll	1325	1561	71	1
	6987	6330	600	1

EIGHTEENTH DISTRICT.

	David K. Carter.	Samuel Hemphill.
Wayne	3370	2139
Stark	3312	2309
	6682	4448

NINETEENTH DISTRICT.

	Rufus P. Ranney.	John Crowell.	R. P. Ranney.	J. Crowell	Scat.
Portage	2111	2140	134	134	--
Trumbull	3473	3770	---	---	--
Summit	1789	3517	---	---	1
	7373	8427	134	134	1

TWENTIETH DISTRICT.

	Joshua R. Giddings.	Bushnell White.	J. Hayward.	Scat.
Geauga	1914	1070	---	25
Cuyahoga	---	---	---	--
Ashtabula	2668	1489	---	--
Lake	1297	596	319	--
	5879	3155	319	25

TWENTY-FIRST DISTRICT.

	Joseph M. Root.	E. M. Stone.	Scat.
Lorain	2589	1521	70
Erie	1468	1058	5
Huron	2312	1674	7
Medina	2065	1824	--
	6434	6077	82

The Governor and Secretary then retired from the Senate chamber.

On motion of Mr. Goddard,

The Senate adjourned until 10 o'clock on Monday morning.

Attest:

JOHN R. KNAPP, Jr. Clerk.

MONDAY, JANUARY 15, 1849.

Mr. Whitman moved a call of the Senate, which was ordered, and Messrs. Ankeny, Archbold, Bennett and Kendall were found absent.

On motion,

Messrs. Ankeny, Bennett and Kendall were excused, owing to sickness.

On motion,

All further proceedings under the call were dispensed with.

Mr. Myers presented the petition of 23 citizens of Perrysburg, Wood county, for the passage of a law authorizing the sale of a certain school section.

Referred to the standing committee on Schools and School Lands.

Also the petition of 43 citizens of Woodville, Sandusky county, for the incorporation of a company to construct a Plank Road from Woodville to Tiffin, in Seneca county.

Referred to the standing committee on Roads and Highways.

Also, the petition of 39 citizens of Woodville, Sandusky county, for the incorporation of a company to construct a bridge over the Maumee river at Toledo.

Referred to the standing committee on Roads and Highways.

Mr. Blake presented the petition of Abraham Baer and 169 others for the repeal of the black laws.

Laid on the table.

Mr. Archbold, from the standing committee on the Judiciary, to which was referred Senate joint resolution relative to the payment of George Riordon for attendance on Court in Bank, reported the same back and recommended its passage, which was agreed to.

Mr. Burns, from a select committee to which has been referred the petition of Isaac J. Allen and others, of the town of Mansfield, for a law to incorporate a Fire Company in Mansfield, reported the following bill:

S. No. 48; A bill to incorporate "The Mansfield Fire Company No. 1."

Said bill was read the first time.

Mr. Dimmock, from the select committee to which was referred the petition of citizens of Seneca county, praying that Homesteads may be exempt from sale on execution to pay debts, made the following report:

(See Appendix, page 297.)

On motion of Mr. Ewing,

The report was laid on the table.

Mr. Conklin, from the select committee to which was referred the memorial of the officers of the Bellefontaine and Indiana Railroad Company, for an extension to their charter, reported the following bill:

2—S. J.

S. No. 49 ; A bill to amend the charter of the Bellefontaine and Indiana Railroad Company.

Said bill was read the first time.

The following bills were read the second time, and committed to a committee of the whole Senate and made the order of the day for this day :

S. No. 37 ; Prescribing the times of holding the Supreme Court.

S. No. 38 ; To authorize the town council of the town of Sidney to subscribe to the capital stock of the Sidney and Wapakonnetta Road Company.

S. No. 39 ; Making appropriations for the year 1849.

S. No. 40 ; To incorporate the City Insurance Company of Cincinnati.

S. No. 41 ; To repeal the act entitled an act to create the office of Attorney General, and to prescribe his duties, and the act amendatory thereto.

S. No. 42 ; To repeal the act entitled an act to authorize the town of Hamilton to borrow money, and for other purposes.

S. No. 43 ; To repeal the charter of the bank of Norwalk.

S. No. 44 ; To repeal certain bank charters therein named.

S. No. 45 ; To lay out and establish a free turnpike road from Sidney to St. Marys.

S. No. 46 ; Amendatory to the act entitled an act prescribing the times of holding the court of common pleas in the twelfth judicial circuit, passed Feb. 2, 1848.

S. No. 47 ; To establish a free turnpike road from Carrollton, in Montgomery county, to Eaton, in Preble county.

Mr. Burns, agreeable to previous notice, introduced the following bill:

S. No. 50 ; A bill to establish the ten hour system of labor in this state.

Said bill was read the first time.

Mr. Swift offered the following resolution:

Resolved by the Senate and House of Representatives, That there be a committee of three members appointed on the part of the Senate, and members on the part of the House, to wait on the Governor elect and inform him of his election, and ascertain when he will take the oath and communicate with the General Assembly.

The same gentleman moved the adoption of the following.

Resolved, That the resolution be referred to a committee for the purpose of examining and reporting the returns of votes for Governor—the returns made to the Secretary of State as well as those returned to the Speaker of the Senate, to be examined to ascertain who has actually received a majority of the votes polled for Governor at the October election, 1848.

Mr. Whitman offered the following as an amendment:

"And that said committee have power to send for persons and papers to any quarter of the State, to ascertain if any votes intended for either candidate for Governor, have not been returned in the abstracts either to the Speaker of the Senate or to the Secretary of State's office, and to include such votes, if any, in the count."

Said resolutions and amendment were severally withdrawn, with the consent of the Senate.

On motion of Mr. Chase,

The preamble and resolutions relating to the appointment of a joint committee to ascertain from the abstracts the number of legal votes given for John B. Weller and Seabury Ford for Governor, were taken up

On leave, Mr. Worcester withdrew his amendment to said preamble and resolutions.

Mr. Backus offered the following as an additional resolution:

Resolved, That in such examination it shall be the duty of said committee to resort to the duplicate abstracts in the hands of the Speaker, which have been forwarded to him either by mail or placed in his hands by the members of this General Assembly, and to the abstracts of the votes given in the several counties of this State at the general election held on the 10th day of October last, and on file in the office of the Secretary of State, and all votes which legally appear from any of the sources aforesaid, to have been given to either of said candidates, shall be counted for them respectively.

Mr. Whitman offered the following as an amendment to the amendment:

"And that said committee have power to send for persons and papers to any quarter of the State, to ascertain if any votes intended for either candidate for Governor, have not been returned in the abstracts either to the Speaker of the Senate or to the Secretary of State's office, and to include such votes, if any, in the count."

Mr. Goddard moved to lay the preamble, resolutions and pending amendments on the table.

Mr. Whitman demanded the yeas and nays, which were ordered, and resulted yeas 17, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Denison, Goddard, Haines, Hendricks, Horton, Judy, Lewis, Swift, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—15.

So the motion was agreed to.

Mr. Swift offered the following resolution:

Resolved by the Senate and House of Representatives, That there be a committee of three members appointed on the part of the Senate, and members on the part of the House, to wait on the Governor elect, and inform him of his election, and ascertain when he will take the oath and communicate with the General Assembly.

The same gentleman moved that the said resolution be referred to a joint committee of four members on part of the Senate, and on part of the House of Representatives, for the purpose of examining and reporting the returns of votes for Governor; the returns made to the Secretary of State, as well as those returned to the Speaker of the Senate, to be examined to ascertain who has actually received a majority of the votes polled for Governor at the October election, 1848.

Mr. Whitman offered for adoption the following amendment:

"And that said committee have power to send for persons and papers to any quarter of the State, to ascertain on oath if necessary, if any votes intended for either candidate for Governor have not been returned in the abstracts either to the Speaker of the Senate or to the Secretary of State's office, and to include such votes, if any, in the count."

The question being on agreeing to the amendment,

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dabbs, Emrie, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Denison, Goddard, Haines, Hendricks, Horton, Judy, Lewis, Vinal, Worcester and Speaker—16.

So the amendment was disagreed to.

The question then being on agreeing to the resolution relating to appointing a committee to examine abstracts, &c.,

Mr. Wilson called for a division of the question.

The question was on agreeing to the first clause of said resolution, which reads as follows:

Resolved, That the resolution be referred to a joint committee of four members on the part of the Senate, and on the part of the House of Representatives, for the purpose of examining and reporting the return of votes for Governor.

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted yeas 19, nays 13, as follows.

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Den-

nison, Dimmock, Goddard, Graham, Haines, Hendricks, Horton, Judy, Lewis, Swift, Vinal, Worcester and Speaker—19.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Ewing, Myers, Patterson, Scott, Whitman and Wilson—13.

So the first clause of the resolution was agreed to.

The question being on agreeing to the second clause of the resolution, as follows:

“The returns made to the Secretary of State, as well as those returned to the Speaker of the Senate, to be examined to ascertain who had actually received a majority of the votes polled for Governor, at the October election 1848.”

Mr. Burns moved to amend by striking out the following words:

“The returns made to the Secretary of State’s office as well as those.”

The question then was on agreeing to said amendment.

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Graham, Myers, Patterson, Swift, Scott, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Lewis, Vinal, Worcester and Speaker—16.

So the amendment was disagreed to.

The question recurring on agreeing to the second clause of the resolution,

Mr. Burns demanded the yeas and nays, which were ordered and resulted, yeas 20, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dimmock, Dennison, Goddard, Graham, Haines, Hendricks, Horton, Judy, Lewis, Myers, Swift, Vinal, Worcester and Speaker—20.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Ewing, Patterson, Scott, Whitman and Wilson—12.

So the motion was agreed to.

On motion of Mr. Dennison,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Whitman moved a call of the Senate, which was ordered, and Messrs. Ankeny, Bennett, Conklin and Emrie were found absent.

On motion,

All further proceedings under the call were dispensed with.

Mr. Worcester, agreeable to previous notice, introduced the following bills:

S. No. 51; A bill for the better organization of public schools in cities, towns, &c.

S. No. 52; A bill to amend the act for the support and better regulation of common schools, in the city of Columbus, passed February 3, 1845.

Mr. Wilson, agreeable to previous notice, introduced the following bill:

S. No. 53; A bill to repeal the charter of the Bank of Sandusky.

Said bills were severally read the first time.

On motion of Mr. Lewis,

The resolution and amendments relative to inviting the clergy to open the Senate daily with prayer, was taken up.

The question being on striking out the substitute and inserting the original resolution, was agreed to.

The question being on the adoption of the amendment to the amendment, was agreed to.

Mr. Scott moved to amend as follows:

Strike out all after the word "prayer," in the 6th line, and insert "before the Senate is called to order."

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted, yeas 7, nays 23, as follows:

Those who voted in the affirmative, were

Messrs. Burns, Byers, Chase, Dimmock, Ewing, Scott and Whitman—7.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blake, Blocksom, Claypool, Conklin, Corwin, Dennison, Dubbs, Goddard, Graham, Hendricks, Horton, Judy, Lewis, Myers, Patterson, Swift Vinal, Wilson, Worcester and Speaker—23.

So the amendment was disagreed to.

The question then being on agreeing to the resolution as amended,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted, yeas 22, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Dubbs, Goddard, Graham, Hendricks, Horton, Judy, Lewis, Myers, Patterson, Swift, Vinal, Wilson, Worcester and Speaker—22.

Those who voted in the negative, were

Messrs. Blocksom, Burns, Byers, Chase, Dimmock, Emrie, Ewing, Haines, Scott and Whitman—10.

So the resolution was agreed to.

Mr. Whitman, on leave, from the standing committee on Schools and School Lands, introduced the following bill:

S. No. 54; A bill for the better support of common schools, in Perysburg, Wood county.

Said bill was read the first time.

On motion of Mr. Backus,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Ewing in the chair, and after some time spent therein, rose and reported back the following bills, some with and some without amendments:

S. No. 2; To repeal the law prohibiting black and mulatto persons from testifying in courts of justice.

Referred to the standing committee on the Judiciary.

S. No. 3; Granting to actual settlers the unsold and unappropriated lands belonging to the State of Ohio.

Referred to the standing committee on Finance.

S. No. 4; To repeal the act of the 5th January, 1804, and the acts amendatory thereto, with amendments; which were agreed to.

Referred to the standing committee on the Judiciary.

S. No. 5; To exempt a homestead from forced sales in certain cases, and for other purposes.

Referred to a select committee of three—Messrs. Dimmock, Beaver and Wilson.

S. No. 6; To provide for ascertaining the will of the people of this state upon the question of calling a convention to amend or change the constitution of the same, with one amendment.

Referred to the standing committee on the Judiciary.

S. No. 7; To provide for the election of the Board of Public Works by the people.

Referred to committee on Public Works.

S. No. 8; To abolish capital punishment, with amendments, which were agreed to.

Referred to a select committee of three—Messrs. Hendricks, Chase and Dennison.

S. No. 9; For the relief of John Devine, James M. Snyder, and William Sharp.

Referred to the standing committee on the Judiciary.

S. No. 10; Supplementary to the act to provide for the taking of depositions, passed March 3, 1831.

Referred to the standing committee on the Judiciary.

S. No. 11; To incorporate the Springfield Female Seminary, in the county of Clarke, with amendments; which were agreed to.

Referred to the standing committee on Corporations.

On motion of Mr. Corwin,

The Senate again resolved itself into committee of the whole, Mr.

Corwin in the chair, and after some time spent therein, rose and reported back the following bills, some with and some without amendment:

S. N. 12; To incorporate the Springfield Hydraulic company.

Referred to the standing committee on Corporations.

S. No. 13; To incorporate the Springfield and Columbus Railroad company, with an amendment; which was agreed to.

Referred to the standing committee on Rail Roads and Turnpikes.

S. No. 14; In addition to an act in relation to incorporated religious societies passed March 5, A. D. 1836.

Referred to the standing committee on Corporations.

On motion of Mr. Emrie,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

TUESDAY, JANUARY 16, 1849.

Prayer by Rev. Mr. Brook.

Mr. Claypool presented the petition of Joseph Smythe and 24 others, for a law to withdraw a portion of labor now performed on state roads to be applied on turnpike roads.

Referred to the standing committee on Roads and Highways.

Mr. Hendricks presented the petition of Joseph Walters and 28 other citizens of Preble county, for a free turnpike road from Sugar Valley to Camden, in Preble county.

Referred to a select committee of one—Mr. Hendricks.

Mr. Kendall presented the petition of 134 citizens of Portsmouth, for a law incorporating a company to construct a railroad from Portsmouth via Chillicothe, Circleville and Lancaster to Newark, in Licking county.

Referred to a select committee of one—Mr. Kendall.

Mr. Myers presented the petition of 34 citizens of Wood and Hancock counties, for the incorporation of a company to construct a plank road from Perrysburg to Findley.

Laid on the table.

Also, the petition of 40 citizens and tax payers of Franklin township, Lucas county, for the erection of a new county.

Also, the petition of 72 residents and tax payers of Dover township, Lucas county, for the erection of a new county.

Severally referred to the standing committee on New Counties.

Mr. Blocksom presented the petition of Daniel B. Wood and 52 other citizens of Columbiana county, for the repeal of all laws for granting license to retail spirituous liquor.

Also, the petition of Samuel Jackson and 17 others of Columbiana county, on the same subject.

Severally referred to the standing committee on the Judiciary.

The Speaker presented the petition of John Keller and 40 other citizens of Morgan county, for the passage of a law to exempt growing crops from execution.

Referred to the standing committee on the Judiciary.

Mr. Beaver presented the petition of sundry citizens of Mahoning county, in relation to the ten hour system.

Referred to a select committee on that subject—Mr. Burns.

Also, the petition of sundry citizens of Mahoning county, for a law to prevent convict labor from injuriously competing with free labor.

Referred to the standing committee on the Judiciary.

Mr. Hendricks, from the select committee to which had been referred the petition of citizens of Preble county for a turnpike road, reported the following bill:

S. No 55; A bill to incorporate the Sugar Valley and Camden free turnpike road.

Said bill was read the first time.

The following bills were severally read a second time, committed to a committee of the whole Senate and made the order of the day for this day:

S. No. 48; To incorporate "the Mansfield Fire Company No. 1."

S. No. 49; To amend the charter of the Bellefontaine and Indiana Railroad Company.

S. No. 50; To establish the ten hour system of labor in this state.

S. No. 51; For the better organization of public schools in cities, towns, &c.

S. No. 52; To amend the "act for the support and better regulation of common schools in the city of Columbus," passed February 3, 1845.

S. No. 53, To repeal the charter of the Bank of Sandusky.

S. No. 54; For the better support of common schools in Perrysburg, Wood county.

Mr. Ewing offered for adoption the following resolution:

Resolved, That the standing committee on the Judiciary be instructed to report a bill providing for a just and constitutional apportionment of Senators and Representatives among the counties of this state; and that they be further instructed to so report in advance of any other business in the possession of said committee.

Mr. Whitman moved to lay the resolution on the table.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 18, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Bennett, Burns, Byers, Chase

Conklin, Dimmock, Dubbs, Evans, Graham, Hendricks, Judy, Patterson, Scott, Swift, Whitman, Wilson and Worcester—18.

Those who voted in the negative were,

Messrs. Backus, Beaver, Blake, Claypool, Dennison, Emrie, Ewing, Goddard, Haines, Horton, Kendall, Lewis, Myers, Vinal and Speaker—15.

So the motion was agreed to.

On motion of Mr. Burns,

Resolved, That the Superintendent of the Ohio Lunatic Asylum be, and he is hereby, required to communicate to this Senate, at his earliest convenience, the following information, viz:

1st. The number of applications now pending for admission into the asylum, which have been delayed or postponed for the want of room in said asylum for the persons so applying.

2d. The dates of each application now pending, the counties from which such applications are made, designating whether such applicants are male or female, and the number of each.

3d. The number of patients now in said asylum (if any) who are not residents of the state of Ohio, the time said patient or patients have been in said asylum and the states from which they are sent.

4th. Whether it is usual in admitting persons, by joint resolution of the General Assembly, who are not residents of Ohio and who are not paupers, to accompany such applications with the papers required to accompany applications made under the 9th section of the act entitled "an act to provide for the government of the Ohio Lunatic Asylum," passed March 13, 1838.

Mr. Archbold, agreeably to previous notice, introduced the following bill:

S. No. 56; A bill to give additional security to land titles in this state.

Mr. Blake, from the select committee to which the subject had been referred, reported the following bill:

S. No. 57; A bill making Ophelia Piper the legal heir of Zadock Tillotson of Medina county, and changing the name of said Ophelia Piper to Caroline Tillotson.

Mr. Myers, from the standing committee on Roads and Highways, to which the subject had been referred, introduced the following bill:

S. No. 58; A bill to incorporate the Toledo and Woodville Plank Road Company.

Said bills were severally read the first time.

On motion of Mr. Myers,

Resolved, That a committee of two be appointed by the Speaker to examine the accounts and returns of the collectors upon the state canals, on file in the State Auditor's office, and in what manner the said accounts and returns have been examined and compared in said Auditor's office, and report to the Senate what action, if any, they deem necessary in relation to said accounts and returns.

The Speaker appointed Messrs. Myers and Dennison as said committee.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the following Senate joint resolution:
Relative to paying N. A. Hanna & Co., for chairs for the use of the Senate.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Goddard,

The report from the select committee on Rules of the Senate, relative to rule 40 as an additional rule, was taken up.

On motion of Mr. Burns,

Said report was referred to the standing committee on the Judiciary.
The Speaker laid before the Senate the special report of the Auditor of State, in answer to a resolution of the Senate on the 27th December last, relative to the report by collectors of tolls on the canals.

(See Vol. Pub. Doc.)

Laid on the table.

Also, the special report of the Treasurer of State, in obedience to a resolution of the Senate, passed on the 8th inst., relative to the amount of Norwalk and Sandusky bank notes in the state treasury.

(See Vol. Pub. Doc.)

Laid on the table.

Also, the special report of the Board of Public Works, relative to the claim of Dedrick Henders for work done on the Miami extension canal.

(See Vol. Pub. Doc.)

Referred to the standing committee on Claims.

Mr. Ewing offered for adoption the following resolution:

Resolved, That the Clerk of the Senate be instructed to contract for the printing of the manuscript copies of reports now upon the table of the Senate, and to cause the same to be printed according to said contract,

Provided, That the printing of the same shall be done in the same manner, and that the prices shall be estimated by the same rules that governed the printing at the last session of the General Assembly.

On motion of Mr. Dennison,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Wilson moved a call of the Senate, which was ordered and Messrs. Backus, Emrie, Goddard and Patterson were found absent.

On motion,

All further proceedings under the call were dispensed with.

The question being, when the Senate took a recess, on the adoption of the resolution relative to the clerk having the reports on the table printed.

Mr. Goddard moved to strike out all after the word "resolved," and insert the following:

That the usual number of the reports, now upon the table of the Senate, be printed by the printer who may have entered into a contract therefor, under the act of 1845, and the act amendatory thereto.

Mr. Wilson demanded a division of the question.

The question being on striking out,

Mr. Ewing demanded the yeas and nays thereon, which were ordered and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift and Wilson—16.

So the motion was lost.

The question then turned on the adoption of the resolution.

Mr. Ewing demanded the yeas and nays thereon, which were ordered and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was lost.

On motion of Mr. Goddard,

The Senate adjourned.

Attest:

JOHN R. KNAPP Jr., Clerk.

WEDNESDAY, January 17, 1849.

Prayer by the Rev. Dr. Hoge.

Mr. Ewing presented the petition of Wm. Conclin and other citizens of Cincinnati, to amend the charter of the Cincinnati, Springfield and Lebanon Turnpike Company.

Referred to a select committee of one—Mr. Ewing.

Mr. Kendall presented the petition of N. J. Turney and 46 other citizens of Circleville, for the incorporation of a company to construct a railroad from Portsmouth to Newark, Licking county.

Referred to a select committee of one—Mr. Kendall.

Mr. Conklin presented the petition of Stephen Johnston and 25 others of Washington township, Miami county, for the sale of certain school land.

Referred to a select committee of one—Mr. Conklin.

Mr. Haines presented the petition of sundry citizens of Washington, Athens and Morgan counties, for a graded state road at or near Hill's wood yard, on the Ohio river, to McConnelsville.

Also, a petition of sundry citizens of Washington, Athens and Morgan counties on the same subject.

Said petitions were referred to a select committee of one—Mr. Haines.

Mr. Myers presented the petition of 54 qualified electors of Fulton township, Lucas county, for a new county.

Referred to the standing committee on New Counties.

Also, the petition of S. H. Steedman and 16 other citizens of Lucas county, for a free turnpike road from Waterville, west.

Referred to the standing committee on Rail Roads and Turnpikes.

The Speaker presented the petition of William Burton and 40 other citizens of Miami county, for the repeal of the law authorizing capital punishment.

Laid on the table.

Mr. Chase presented the petition of Stephen C. Crane and 13 other citizens of Butler county, for the sale of certain school lands.

Referred to the committee on Schools and School Lands.

Mr. Archbold, from the standing committee on the Judiciary, to which had been referred Senate resolution relative to amending the laws in relation to the powers and duties of Justices of the Peace and Constables, reported the same back and asked that the committee be discharged from the further consideration of the subject; which was agreed to.

The same gentleman, from the same committee, to which had been referred the memorial of John Joliffe, concerning writs of error to Court in Bank, reported the same and asked that the committee be discharged from the further consideration of the subject; which was agreed to.

The same gentleman, from the same committee, to which had been referred the petition of Eli Miner, of Preble county, asking pay for losses sustained during his official acts as Constable, by enforcing the

black laws, reported the same back and asked that the committee be discharged, and that the petitioner have leave to withdraw his papers which was agreed to.

The same gentleman from the same committee, to which had been referred Senate bill No. 2, to repeal the law prohibiting black and mulatto persons from testifying in courts of justice, reported the same back and asked to be discharged from the further consideration of the subject, and that the said bill be referred to the select committee heretofore appointed on that subject; which was agreed to.

The same gentleman, from the same committee, to which had been referred Senate bill No. 4, to repeal the act of 5th January, 1804, and the acts amendatory thereto, reported the same back and asked to be discharged, and that the same be referred to the select committee of three; which was agreed to.

Mr. Whitman, from the standing committee on Schools and School Lands, to which the subject had been referred, reported the following bill:

S. No. 59; To authorize the sale of the northwest quarter of section No. 32, township 8, north, range 12 east, in the county of Wood.

Mr. Ewing, from the select committee to which the subject had been referred, reported the following bill:

S. No. 60; A bill to amend the charter of the Cincinnati, Lebanon and Springfield Turnpike company.

Mr. Kendall, from the select committee, to which the subject had been referred, reported the following:

S. No. 61; A bill incorporating the Scioto Valley Railroad company.

Said bills were severally read the first time.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 55; To incorporate the Sugar Valley and Camden Free Turnpike company.

S. No. 56; To give additional security to land titles in this state.

S. No. 57; Making Ophelia Piper the legal heir of Zadock Tillotson of Medina county, and changing the name of said Ophelia Piper to Caroline Tillotson.

S. No. 58; To incorporate the Toledo and Woodville Plank Road company.

Message from the House of Representatives:

Mr. Speaker:

The following bills have been introduced into the House, and read the first time:

H. No. 21; To secure to the laborer his hire.

H. No. 22; Authorizing and regulating suits in attachment.

H. No. 23; To authorize the Administrator of William S. Tracy, deceased, to complete real contracts.

H. No. 24; To revive an act entitled an act to incorporate the Bishop's Fraternal Calvinistic Baptist Seminary, passed March 7, 1835, and to change the name of said corporation.

H. No. 25; To amend an act to incorporate the Farmers' Mutual Fire Insurance company, of Medina county.

H. No. 26; To incorporate the town of Morrow, in the county of Warren.

H. No. 27; To repeal the act entitled an act creating the office of Attorney General, and to prescribe his duties.

H. No. 28; Prohibiting any citizen of this state from holding, by election or appointment, more than one of several offices therein named, at the same time.

H. No. 29; To regulate proceedings before Justices of the Peace.

H. No. 30; To abolish capital punishment.

H. No. 31; To exempt a homestead from levy and sale on execution.

H. No. 32; To incorporate the Lower Sandusky Plank Road company.

H. No. 33; To change the name of John G. Backhaus to John G. Baker.

H. No. 24; To incorporate the Locust Street Wharf company, of Gallipolis.

H. No. 35; To incorporate the Saving Fund Society of Woodsfield.

H. No. 36; To incorporate the town of Malvern, in the county of Carroll.

H. No. 37; To extend the provisions of an act to encourage the organization of fire companies, and to repeal former acts, passed February 8, 1847, to the town of Circleville, in the county of Pickaway.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker :

The House has agreed to Senate resolution referring Senate joint resolution relative to appointing a committee to wait upon the Governor elect, to a joint select committee, with one amendment, in which the concurrence of the Senate is requested.

Fill the blank with "eight."

Messrs. Leiter, Marsh, Norris, Riddle, Roedter, Giddings, Morris and Bigger have been appointed said committee on the part of the House.

Attest:

STANLEY MATTHEWS, Clerk.

Said House amendment was agreed to, and Messrs. Swift, Goddard, Ewing and Beaver were appointed the committee on the part of the Senate.

On motion of Mr. Goddard,

The Senate resolved itself into a committee on the orders of the day, Mr. Archbold in the chair, and after some time spent therein, rose and reported progress, and asked leave to sit again.

The following bills were reported back, some with and some without amendments.

S. No. 15; To incorporate the Rossville and Millville turnpike road company. With an amendment.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 16; To provide for the sale of section sixteen, in Carryall township, Paulding county.

Referred to the standing committee on Schools and School Lands.

S. No. 17; To incorporate the trustees of the Ohio Institute of natural science. With amendments, which were agreed to.

Referred to the standing committee on Universities, Colleges and Academies.

S. No. 18; To incorporate the Perrysburg and Maumee Union Bridge company. With sundry amendments.

On motion of Mr. Goddard,

It was referred to the standing committee on the judiciary, with instructions to enquire and report whether the erection of said bridge will injuriously interfere with a like franchise heretofore granted to others.

Mr. Kendall, pursuant to previous notice, introduced the following bill:

S. No. 62; A bill to amend the act entitled an act prescribing the times of holding the courts of common pleas in the seventeenth judicial circuit, passed Feb. 1848.

Mr. Hendricks, pursuant to previous notice, introduced the following bill:

S. No. 63; A bill to establish a free turnpike road from Eaton, by way of West Florence to the Indiana state line on the Boston state road.

Mr. Beaver, pursuant to previous notice, introduced the following bill:

S. No. 64; A bill to prevent magistrates of counties, cities, or towns corporate; judges, justices of the peace and other public officers from acting in official capacity in cases of alledged fugitives from labor, denominated slaves; and to prohibit the use of jails and other public buildings to slave captors.

Said bills were severally read the first time.

On motion of Mr. Blake,

Resolved, That the standing committee on the judiciary be instructed to enquire into the expediency of reporting a bill abolishing the office of Attorney General, and creating the office of State superintendent of common schools, at the salary allowed the Attorney General.

On motion of Mr. Conklin,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

THURSDAY, JANUARY, 18, 1849.

Prayer by Rev. Mr. Hitchcock.

Mr. Backus presented the petition of D. C. Blood and 26 other citizens of Cuyahoga county, for the repeal of the black laws.

Referred to the select committee on that subject.

Mr. Kendall presented the petition of 116 citizens of Portsmouth, for a charter to construct a railroad from Portsmouth to Newark.

Laid on the table.

Mr. Conklin presented an affidavit in relation to the claim of William W. Cecil.

Referred to the standing committee on Claims.

On motion of Mr. Blake,

The petitions on the table relative to the repeal of the black laws, were taken up and referred to the select committee of three, on that subject.

Mr. Myers, from the standing committee on Roads and Highways, to which had been referred the petition of Enoch McCarty and six others, directors of the Harrison, New Trenton, Rochester and Brookville turnpike company, for leave to construct a portion of their road in the limits of Ohio, introduced the following bill:

S. No. 65; For the relief of the Harrison, New Trenton, Rochester and Brookville turnpike company.

Said bill was read the first time.

Mr. Byers, from the select committee to which the petition of James G. Culbertson had been referred, asking relief for damages to his land in Henry county, by the erection of a state dam on the Maumee river, reported the same back and asked that the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his papers, which was agreed to.

Mr. Swift, from the joint select committee to examine the abstracts for Governor, received by the Speaker of the Senate and Secretary of State, made the following report:

(See Appendix, p. 278.)

Which, on leave of the Senate, he withdrew for the purpose of having it printed.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. No. 59; To authorize the sale of the north west quarter of section No. 32, T. 8; N. R. 12, E., in the county of Wood.

S. No. 60; To amend the act incorporating the Cincinnati, Lebanon and Springfield turnpike company.

S. No. 61; Incorporating the Scioto Valley railroad company.

S. No. 62; To amend the act entitled an act prescribing the times

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of holding the courts of common pleas in the seventeenth judicial circuit, passed Feb. 18, 1848.

S. No. 63; To establish a free turnpike road from Eaton, by way of West Florence to the Indiana state line on the Boston state road.

S. No. 64; To prevent magistrates of counties, cities or towns incorporate, judges, justices of the peace, and other public officers, from acting in their official capacity in cases of alleged fugitives from labor, denominated slaves, and to prohibit the use of jails and other public buildings to slave captors.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 38; To amend an act entitled an act regulating descents and the distribution of personal estates, passed Feb. 24, 1831, and the act amendatory thereto, passed March 7, 1835.

H. No. 39; To incorporate the London, Somerford and Mechanicsburgh turnpike company.

H. No. 40; Prescribing the times of holding the courts of common pleas in the sixteenth judicial circuit.

H. No. 41; To amend the act providing for the election of county recorders, and prescribing their duties, passed Feb. 25, 1831.

H. No. 42; To repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed January 15, 1845.

H. No. 43; To regulate the levying of a tax for road purposes, in the county of Belmont.

H. No. 44; To amend an act entitled an act to amend an act for the appointing of Notaries Public, passed Feb. 29, 1836.

H. No. 45; Providing for bringing suits against certain incorporated companies.

H. No. 46; To appoint commissioners to lay out and establish a state road in the counties of Meigs, Gallia and Jackson.

H. No. 47; To amend the act incorporating the Colerain, Oxford and Brookville turnpike company.

H. No. 48; To authorize the sale of school section sixteen in Harrison township, Gallia county.

H. No. 49; To incorporate the town of Bryan, in the county of Williams.

H. No. 50; To authorize the commissioners of Van Wert county to borrow money for certain purposes.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Blake offered for adoption the following:

Resolved, That the clerk of the Senate is hereby directed to give the printing of the Senate to Messrs. Scott and Phillips, in accordance with their contracts, made in pursuance of law, passed March 12, 1845.

Mr. Whitman moved a call of the Senate, which was ordered, and Messrs. Ankeny and Bennet were found absent.

On motion,

The above gentlemen were excused.

On motion of Mr. Whitman,

All further proceedings under the call were dispensed with.

The question being on the adoption of the resolution,

Mr. Dimmock moved to amend as follows:

Strike out the names of Scott and Phillips, and all words relating to contract, and insert the names of Garrard and Hamlin:

The question being on agreeing to the amendment to the resolution,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

So the amendment was lost.

The question then recurred on agreeing to the resolution.

Mr. Emrie moved to refer the resolution to the standing committee on the judiciary, with instructions to inquire whether Messrs. Scott and Phillips, in the execution of the printing for the sessions of 1846-'47, and 1847-'48, and in making out their accounts for the same, have complied with the law and the terms of their contracts; and that said committee have power to send for persons and papers and take testimony, to enable them to come to correct conclusions on the subject.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

So the motion was lost.

Mr. Emrie moved to refer the resolution to the standing committee on printing.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

So the motion was lost.

The question then being on the adoption of the resolution,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

So the motion was lost.

On motion of Mr. Beaver,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Claypool, on leave, presented the petition of James Rowe and 49 other citizens of Chillicothe, to incorporate a company to construct a Railroad from Portsmouth to Lancaster.

Also the petition of Thomas James and 41 citizens of Chillicothe on the same subject.

Laid on the table.

Mr. Worcester gave notice that on to-morrow or upon some subsequent day of the session, he will ask leave to introduce a bill to revive and amend the charter of Huron Plank Road company, passed February 19, 1845.

Mr. Dimmock, from the select committee to whom had been referred S. No. 5; To exempt a Homestead from forced sale in certain cases and for other purposes,

Reported the same back with one amendment.

Or motion of same gentleman,

Said bill with the amendment was laid upon the table.

Mr. Dennison presented, on leave, the petition of the city council of Columbus, praying the legislature to lay out streets and alleys through

the ground known as the site of the old penitentiary, or to authorize the council to do so.

Referred to a select committee of one—Mr. Dennison.

On motion of Mr. Ewing, the Senate resolved itself into a committee of the whole, Mr. Backus in the chair, after sometime spent therein, rose and reported progress, and asked leave to sit again, reported the following bills, some with and some without amendments:

S. No. 20; To incorporate the Norwalk Plank Road company, with amendments.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 21; To authorize the trustees of Springfield township, to subscribe money for the erection of a town hall.

Referred to the standing committee on corporations.

S. No. 22; To prevent hunting, killing or destroying deer at certain seasons of the year, with sundry amendments.

Referred to the standing committee on the Judiciary.

S. No. 23; To amend the act entitled an act to incorporate the Toledo Plank Road company, passed January 28th, 1848.

Referred to the standing committee on Railroads and Turnpikes.

On motion of Mr. Goddard,

The Senate adjourned.

Attest:

JOHN B. KNAPP, Jr., Clerk.

FRIDAY, JANUARY 19, 1849.

Mr. Whitman presented the petition of 280 voters of Fairfield county, praying for the election of Richard D. Lupton as associate judge.

Laid on the table.

Mr. Myers presented two petitions of 50 citizens of Wood and Hancock counties, praying for the passage of a law incorporating a company to construct a plank road from Perrysburg to Findley.

Laid on the table.

Mr. Graham presented the petition of James L. Reynolds, for compensation for damages sustained by the flood occasioned by the breach in the embankment of the Sippo reservoir,

Referred to the standing committee on claims.

Mr. Chase presented the memorial of David Christy in relation to colonization,

Referred to a select committee of four—Messrs. Chase, Goddard, Burns and Dennison.

Mr. Blake presented the petition of Thomas W. Painter and 59 other citizens of Medina county, asking a law to protect religious meetings.

Referred to the standing committee on the Judiciary.

Mr. Wilson presented the petition of M. A. Harris and 51 other citizens of Seneca county, for a plank road from Lower Sandusky to Fort Ball and Findley.

Referred to a select committee of one—Mr. Wilson.

Mr. Emrie, from the standing committee on printing, made the following report:

The standing committee on public printing, in obedience to a resolution of the Senate which is as follows:

Resolved, That the committee on public printing be and they are hereby requested to enquire and report to the Senate, as soon as practicable, the number of copies of the Auditor's report for the year 1848, which had been printed, by whom printed, and by what authority the printing has been done.

Now respectfully report, that in reply to a note from the committee to Mr. Charles Scott, that gentleman replies, under the date of 12th inst., that

"The annual report to which you refer was printed by me. The number of copies printed in that form is about one thousand five hundred. The printing of said report was done at the request of the Auditor of State. It has also been transferred to the appendix to the volume of local laws, and the usual number of copies printed in that form."

Your committee would state that about three thousand five hundred copies of the local laws are printed annually, and, according to the statement of Mr. Scott, about five thousand copies of the report of the Auditor of State, for the year 1848, have been printed, fifteen hundred copies of which were printed "at the request of the Auditor of State."

At the time the report of the Auditor of State was presented, the Senate refused to order it to be printed; nor has any order been made by the House of Representatives for the printing of said report.

Your committee are unable to find authority in any law, requiring any person to execute such printing "at the request of the Auditor of State," and submit it, as their opinion, that the report in question was printed without legal authority.

Respectfully submitted,

J. R. EMRIE,
A. G. DIMMOCK.

Mr. Whitman moved a call of the Senate, which was ordered.

Absent—Messrs. Archbold, Patterson and Scott.

On motion of Mr. Emrie,

All further proceedings under the call were dispensed with.

Mr. Goddard moved to recommit the report to the standing committee on printing, with instructions to inquire whether it has or has not been usual to print the Auditor's report in advance of any order of either House to print it, and if so how long such a custom has prevailed, and during what years.

Mr. Emrie moved to amend the instructions by adding the following, which was agreed to:

And whether it is customary to print an appendix to a book before the book is printed.

Mr. Blake moved to lay the report and instructions to the committee as amended, on the table.

On which question,

Mr. Emrie demanded the yeas and nays, which were ordered and resulted yeas 17, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester, and Speaker—17.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—17.

So the motion was lost.

The question being on recommitting to the standing committee on printing with instructions, Mr. Emrie demanded the yeas and nays, which were ordered and resulted, yeas 17, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—17.

So the motion was lost.

On motion of Mr. Swift,

The report and instructions were laid upon the table.

Mr. Archbold, from the standing committee on the Judiciary, to which had been referred

S. No. 9; For the relief of John Devine, James M. Snyder and William Sharp,

Reported the same back and recommended its engrossment.

On motion of Mr. Goddard,

Said bill was laid upon the table.

Mr. Beaver, from the standing committee on enrollment, made the following report:

The standing committee on enrollment beg leave to report:

That they have examined the following resolutions and find them duly enrolled.

Senate joint resolution to paying N. A. Hanna & Co., for chairs for the use of the Senate.

Senate joint resolution relative to postage of Members, Clerks and Sergeant-at-arms of the General Assembly.

On motion of Mr. Claypool,

The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Conklin from the select committee to which the subject had been referred, reported a bill, S. No. 66; To provide for the sale of certain school lands therein named, situated in Washington township, Miami county, which was read the first time.

Mr. Chase from the select committee to which the subject had been referred, reported a bill S. No. 67; To incorporate the Butler Encampment number seven of the Independent order of Odd Fellows, which was read the first time.

Mr. Beaver from the select committee to which the subject had been referred, reported back S. No. 4; To repeal the act of the 5th January, 1804, and the acts amendatory thereto, with the following amendments:

1st Amendment: Insert in the first line after the word "act" these words, "entitled an act to regulate black and mulatto persons."

2d Amendment: Insert in the third line after the word "seven" these words, "and the act further amendatory thereto, passed February 27, 1834."

Said amendments were severally agreed to.

Mr. Swift moved to amend further by striking out all after the enacting clause and inserting a new bill.

On motion of Mr. Scott,

Said bill with the amendment was laid on the table.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. No. 65; For the relief of the Harrison, New Trenton, Rochester and Brookville Turnpike company.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate joint resolution relative to the payment of the claim of George Riorden.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 62; Supplementary to an act to prevent injury by dogs, passed December 24, 1814.

H. No. 63; To repeal the act incorporating the Ohio Life Insurance and Trust company.

H. No. 64; To charter the Minster Fire Insurance Association.

H. No. 65; To repeal an act entitled an act to incorporate the Harmer and Lancaster Turnpike company, passed March 5, 1838.

H. No. 66; To incorporate the Oxford, Western and Connersville Turnpike Road company.

H. No. 67; To incorporate the town of Flushing in Belmont county.

H. No. 68; To incorporate the Waynesville and Sugar Creek Turnpike company.

H. No. 69; To authorize the trustees of Portland township, Erie county, to borrow the sum of \$20,000 for the purpose of plank roads.

H. No. 70; To incorporate the Relief Fire company of the city of Chillicothe.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 51; To incorporate the Otterbien University in Westerville, Franklin county, O.

H. No. 52; To authorize the establishment of separate schools for the education of children of color, and for other purposes.

H. No. 53; To provide for the punishment of the crime therein named.

H. No. 54; To amend an act passed February 22, 1831, entitled an act to provide for the proof, acknowledgment and recording of deeds and other instruments of writing.

H. No. 55; To regulate labor, prevent oppression, and establish ten hours as a legal day's work.

H. No. 56; To repeal the Registry Law.

H. No. 57; To repeal certain portions of the Apportionment Law.

H. No. 58; To amend an act entitled an act to incorporate the town of Franklin, in the county of Warren, and to repeal all acts heretofore enacted on that subject, passed February 8, 1848.

H. No. 59; Supplementary to the act dispensing with proof in certain cases, passed December 18, 1823.

H. No. 60; Making partial appropriations for the years 1848 and 1849.

H. No. 61; For the relief of John D. Burrill.

Attest;

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 3; To amend an act passed January 29, 1846, entitled an act to incorporate the Lorain Plank Road company.

H. No. 5; To incorporate the town of Patriot in the county of Gallia.

H. No. 6; To incorporate the town of Carlisle in the county of Monroe.

H. No. 7; To establish a free turnpike road from Springboro' to Ridgville, in Warren county.

H. No. 15; To authorize the sale of school section 16, in Richland township, Wyandotte county.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

Mr. Scott gave notice that on to-morrow or some subsequent day of this session, he should ask leave to introduce a bill to provide for taxing certain lands sold by the United States.

Also, a bill to repeal so much of the tax law of March 2, 1846, as exempts from taxation all lands sold by the United States, for five years after such sale.

Mr. Judy gave notice that he would, on to-morrow or some subsequent day of the session, ask leave to introduce a bill to amend an act entitled an act to establish a free turnpike road from Marysville in Union county, to Kenton in Hardin county, passed February 18, 1848.

On motion of Mr. Chase,

The standing committee on the Judiciary was discharged from the further consideration of the petition of Celeb Baker, for a divorce from his wife Sarah Baker.

On motion of Mr. Hendricks,

Said petition was referred to a select committee of two—Messrs. Hendricks and Chase.

Mr. Swift, from the joint select committee to examine the abstracts for Governor, received by the Speaker of the Senate and Secretary of State, presented the report which was made to the Senate on yesterday, and withdrawn for the purpose of being printed.

The question being upon striking out the word "the," in the resolution referred to said committee, relative to appointing a committee to wait upon the Governor elect, (and which said resolution is attached to said report,) and inserting in lieu thereof, the words "Seabury Ford."

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 20, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Denison, Goldard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Swift, Vinal, Worcester and Speaker—20.

Those who voted in the negative, were

Messrs. Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Patterson, Scott, Whitman and Wilson—12.

So the question was carried.

Mr. Wilson moved a call of the Senate, which was ordered. Absent, Mr. Ewing.

On motion of Mr. Burns,

All further proceedings under the call were dispensed with.

The question being upon the passage of the resolution as amended,

Mr. Chase moved to amend further, by adding the following:

1st. *Resolved*, That the defect in the abstract of the returns from the county of Defiance, is legally and properly supplied from rumor only, and when thus corrected the vote as thus ascertained, ought legally and properly to be added to the general aggregate of all the votes of the other counties for Governor.

2d. *Resolved*, That the want of the county seal upon the abstract from Lorain county, is fatal, and renders the same wholly invalid.

3d. *Resolved*, That the defect in said abstract from the said county of Lorain is legally and properly supplied from said general abstract in the office of the Secretary of State, and that the vote of that county thus ascertained, legally and properly ought to be added to the general aggregate of the votes of the other counties of this State.

4th. *Resolved*, That the 137 votes for J. B. Weller returned in the abstract from the county of Portage are sensibly and in fact given to John B. Weller, and ought legally and properly to be added to the aggregate of his votes in the other counties of this State.

5th. *Resolved*, That the 84 votes returned for Seabury, in the abstract from the county of Crawford are sensibly and in fact given for Seabury Ford, and ought legally and properly to be added to the general aggregate of his votes in the other counties of this State.

6th. *Resolved*, That the votes of the four townships of the new county of Morrow, which ought by law to have been included in the abstracts of the returns from the county of Richland, and which were not so included in one of the abstracts transmitted to the Speaker of the Senate, but were appended by way of supplement to the other abstract so transmitted from the said county of Richland, ought legally and properly to be added to the aggregate of the votes of the other counties of this State for Governor.

Mr. Chase demanded a division of the question.

The question being upon the adoption of the first resolution offered by way of amendment,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas none, nays 32, as follows:

Those who voted in the negative, were.

Messrs. Archbold, Backus, Beaver, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—32.

So the first resolution was lost.

The question then being upon the second resolution offered by way of amendment,

Mr. Kendall demanded the yeas and nays thereon, which were ordered and resulted as follows—yeas 16, nays 16.

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the second resolution was lost.

The question then being upon the adoption of the third resolution offered by way of amendment,

Mr. Chase demanded the yeas and nays thereon, which were ordered and resulted—yeas 1, nays 31, as follows:

Those who voted in the affirmative, were

Mr. Blake—1.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—31.

So the third resolution was lost.

The question then being upon the adoption of the fourth resolution offered by way of amendment,

Mr. Chase demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypoole, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—17.

So the fourth resolution was lost.

The question then being upon the passage of the fifth resolution offered by way of amendment,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 1, nays 31, as follows:

Those who voted in the affirmative, were

Mr. Myers—1.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dennison, Dimmock, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—31.

So the fifth resolution was lost.

The question then being upon the adoption of the sixth resolution offered by way of amendment,

Mr. Myers moved to amend the amendment by striking out the word "legally," where it occurs in said resolution.

Which was lost.

The question then recurring upon the adoption of said sixth resolution,

Mr. Chase demanded the yeas and nays, which were ordered and resulted—yeas 8, nays 23, as follows :

Those who voted in the affirmative, were

Messrs. Burns, Chase, Dubbs, Emrie, Myers, Patterson, Whitman and Wilson—8.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Blocksom, Byers, Claypool, Conklin, Dennison, Dimmock, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Scott, Swift, Vinal, Worcester and Speaker—23.

So the sixth resolution was lost.

The question then recurring on the passage of the original resolution, as amended, as follows :

Resolved, by the Senate and House of Representatives, That there be a committee of three members appointed on the part of the Senate, and — members on the part of the House, to wait on Seabury Ford, Governor elect, and inform him of his election, and ascertain when he will take the oath and communicate with the General Assembly.

It was agreed to.

Mr. Bennett gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to provide for the better preservation of the bonds of executors and administrators of the estates of deceased persons.

Mr. Dennison offered the following resolution :

Resolved, by the General Assembly of the State of Ohio, That there be paid to John Graham, for his services as sheriff in attendance upon the Court in Bank, the sum of one hundred and nine dollars and ten cents, and that provision be made for the same in the general appropriation bill.

On motion of Mr. Dentison,

Said resolution was referred to the standing committee on claims.

On motion of Mr. Hendricks,

Resolved, That the standing committee on State Buildings be instructed to inquire into the expediency of authorizing county surveyors to take acknowledgment of deeds.

On motion of Mr. Worcester,

Resolved, That a select committee of three be appointed to inquire what further legislation, if any, is necessary to carry into effect the act of Feb. 8, 1848, relative to the sale of the Western Reserve school lands, with instructions to report by bill or otherwise.

Messrs. Worcester, Swift and Backus were appointed said committee.

Mr. Worcester, in accordance with previous notice, introduced the following bill:

S. No. 68; To revive and amend the act for the incorporation of the Huron Plank Road Company, passed Feb. 19, 1845.

Read the first time.

On motion of Mr. Vinal,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

SATURDAY, JANUARY 20, 1849.

Prayer by Rev. Mr. Doolittle.

Mr. Byers presented the petition of H. J. Hayes and 50 other citizens of Ashland county, for the election of William S. Strickland associate judge of said county.

Laid on the table.

Mr. Haines presented the petition of sundry citizens of Malta, Morgan county, for the repeal of so much of the license law as authorizes the courts to grant said licenses, leaving all laws prohibiting the sale of intoxicating liquors as they now are.

Referred to the standing committee on the Judiciary.

Mr. Hendricks, from the standing committee on Public Buildings, to which the subject had been referred, reported a bill

S. No. 69; To authorize county surveyors to take acknowledgments of deeds, &c.

Read the first time.

Mr. Hendricks, from the select committee to which the subject had been referred, reported a bill

S. No. 70; To divorce Caleb Baker from his wife, Sarah Baker.

Read the first time.

The following bills were severally read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 66; To provide for the sale of certain school lands therein named, situated in Washington township, Miami county.

S. No. 67; To incorporate the Butler Encampment, No. 7, of the Independent Order of Odd Fellows:

S. No. 68; To revive and amend the act for the incorporation of the Huron Plank Road Company.

H. No. 3; To amend an act passed January 28, 1848, entitled "an act to incorporate the Lorain Plank Road Company."

H. No. 5; To incorporate the town of Patriot, in the county of Gallia.

H. No. 6; To incorporate the town of Carlisle, in the county of Monroe.

H. No. 7; To establish a free turnpike road from Springboro' to Ridgeville, in Warren county.

H. No. 17; To authorize the sale of school section sixteen in Richland township, Wyandot county.

Mr. Bennett, in accordance with notice previously given, introduced a bill

S. No. 71; To provide for the better preservation of the bonds of executors and administrators of the estates of deceased persons.

Read the first time.

Mr. Scott, in accordance with notice previously given, introduced the following bills:

S. No. 72; To provide for taxing certain lands sold by the United States.

S. No. 73; To amend the tax law, passed March 2, A. D. 1846.

Said bills were severally read the first time.

On motion of Mr. Myers,

The Senate resolved itself into committee of the whole on Senate bill No. 19, to incorporate the Perrysburgh and Findley Plank Road Company, (Mr. Archbold in the chair,) and after some time spent in the consideration thereof, rose and reported the same back to the Senate, with sundry amendments.

On motion of Mr. Corwin,

Said bill and pending amendments were laid on the table.

On motion of Mr. Whitman,

The Senate adjourned until Monday morning 10 o'clock.

Attest:

JOHN B. KNAPP, Jr., Clerk,

MONDAY, JANUARY 22, 1849.

Prayer by Rev. Mr. Randall.

Mr. Myers presented the petition of 54 citizens of Sylvania township, Lucas county, asking for the passage of a law requiring the owners of certain mill dams to drain them during a portion of the year.

Referred to a select committee of one—Mr. Myers.

Mr. Dimmock presented the petition of Eugene Pardee and thirty other citizens of Wooster, Wayne county, O., praying for the home-
stead exemption.

Laid on the table.

Mr. Claypool presented the petition of Wm. H. Price and 36 other citizens of Ross county, praying for an act to incorporate a railroad company, for the purpose of constructing a railroad from Portsmouth, to terminate at Newark, Ohio.

Laid on the table.

Mr. Goddard presented the petition of Nicholas Schoonover and others, praying the appointment of viewers of a graded State road from Hill's wood-yard, on the Ohio River, by way of Amos F. Parkhurst's mill, William Johnson's, Phillip Shrader's, Heald's farm, Chesterfield and Pennsville, to McConnelsville.

Referred to a select committee of one heretofore appointed on that subject—Mr. Haines.

Mr. Kendall presented the petition of John A. Turly and 31 other citizens of Scioto county, asking the passage of a law chartering a company to construct a railroad from Portsmouth to Newark.

Laid on the table.

Mr. Blake presented the petition of Whitman Mead, asking for an amendment to the act to incorporate the Medina county Mutual Fire Insurance Company, passed March 16, 1841.

Referred to a select committee of one—Mr. Blake.

Mr. Emrie presented the petition of Robert Emmitt and 99 other citizens of Pike county, praying for the incorporation of a company to construct a railroad from Portsmouth, via Piketon, Waverly, Chillicothe, Circleville, and Lancaster, to Newark.

Laid on the table.

The Speaker announced Messrs. Backus, Archbold and Lewis as the committee on the part of the Senate to wait upon Seabury Ford, Governor elect.

Mr. Vinal, from the standing committee on Enrollment, reported that they have examined the joint resolution allowing George Riordan eight dollars for services in attendance on the Court in Bank, at its session of 1848-9, and find the same correctly enrolled.

Mr. Blake, from the select committee on that subject, to which the subject has been referred, reported the following bill :

S. No. 74: A bill to amend an act entitled "an act to incorporate the Medina county Mutual Fire Insurance Company," passed March 16, 1841.

Mr. Backus, from the select committee to which the petition of H. B. Payne and others, for an amendment to the charter of the city of Cleveland, introduced the following bill:

S. No. 75: A bill to amend the act to incorporate the city of Cleveland, and the act amendatory thereto, passed March 20, 1841.

Said bills were severally read the first time.

Mr. Dennison, from the select committee on unfinished business, made the following report, which was laid on the table.

[See Appendix, p. 321.]

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day.

S. 69: To authorize county surveyors to take acknowledgment of deeds.

S. 70: To divorce Caleb Baker from his wife, Sarah Baker.

S. 71: To provide for the better preservation of the bonds of excoutors and administrators of the estates of deceased persons.

S. 72: To provide for taxing certain lands sold by the United States.

S. 73: To amend the tax law, passed March 2, 1846.

Mr. Burns gave notice that he would on to-morrow, or some subsequent day of the present session, ask leave to introduce a bill to amend an act entitled, "an act to incorporate the town of Mansfield, in the county of Richland, and to repeal all acts now in force in relation thereto," passed March 15, 1843.

On motion of Mr. Myers,

Senate bill No. 19. To incorporate the Findlay & Perrysburg Plank Road Company, with sundry amendments, was taken up.

The question being on agreeing to the first amendment, Sec. 1, line 13, where the word "and" occurs, strike out and insert "or." Agreed to.

Second amendment, sec. 3, line 1, strike out "four," and insert "five," which was agreed to.

Third amendment, sec. 4, line 3, after the word "days," insert "next," which was agreed to.

Mr. Burns moved further to amend said bill as follows:

Sec. 7, line 2, after the word "earth," insert these words, "within one hundred feet of each side."

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 10, nays 23, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Bennett, Burns, Byers, Goddard, Haines, Horton, Scott, Swift and Vinal—10.

Those who voted in the negative were,

Messrs. Ankeny, Archbold, Blake, Blocksom, Chase, Clay—11—4. J.

pool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Judy, Kendall, Lewis, Myers, Whitman, Wilson, Worcester and Speaker—23.

So the amendment was disagreed to.

The same gentleman moved to strike out the nineteenth section of the bill.

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted yeas 9, nays 24, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blocksom, Byers, Chase, Ewing, Graham, Scott and Whitman—9.

Those who voted in the negative were,

Messrs. Ankeny, Archbold, Backus, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Evans, Goddard, Haines, Horton, Judy, Kendall, Lewis, Myers, Swift, Vinal, Wilson, Worcester and Speaker—24.

So the amendment was disagreed to.

Mr. Archbold moved to amend as follows:

Strike out the twelfth section ; which was disagreed to.

The same gentleman moved further as follows:

Strike out the thirteenth section ; which was disagreed to.

Mr. Scott moved to amend as follows:

Sec. 14, at the end of line 14, insert "at any State or township election."

Same section, line 16, strike out "a special," and insert "an."

These amendments were severally disagreed to.

On motion of Mr. Goddard,

Said bill and pending amendments were laid on the table.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate joint resolution, relative to the appointment of a committee to wait on Seabury Ford, Governor elect, with one amendment, in which the concurrence of the Senate is requested, to-wit: fill the blank with the word "six."

Messrs. Giddings, Long, Reber, Truman, Thompson and Myers, have been appointed said committee on the part of the House.

Attest:

STANLEY MATTHEWS, Clerk.

House amendment to Senate joint resolution was agreed to.

On motion of Mr. Goddard,

Senate bill No. 19, was again taken up.

The same gentleman moved to amend as follows:

Sec. 7, line 2, strike out "timber," which was disagreed to.

Mr. Dimmock moved to amend as follows:

Sec. 12, line 4, strike out the words "or orders," which was disagreed to.

The question being on ordering the engrossment of the bill, it was agreed to, and

Ordered to be read a third time to-morrow.

On motion of Mr. Ankeny,

Senate bill No. 9: For the relief of John Devine, James M. Snyder, and William Sharp, was taken up.

The question being on ordering the bill to be engrossed,

On motion of the same gentleman,

The bill was laid on the table.

Mr. Backus, from the joint select committee, made the following report:

The joint select committee, appointed to wait upon the Governor elect, and ascertain from him when it would be convenient for him to appear before the General Assembly, and take the oath of office, report:

That they have attended to the duty assigned them, and that they are instructed by the Governor elect to inform the General Assembly that the hour of half past three o'clock this afternoon, will suit his convenience, for the purpose aforesaid.

Laid on the table.

Mr. Ewing, on leave, presented the petition of James Dunlap, William Burnett, N. W. Thomas, Rogers and Sherlock, and 41 other citizens of Cincinnati, for a law transferring the City Bank of Cincinnati, now an independent bank, to that of a branch bank under the provisions of the general banking law.

Referred to the standing committee on the Currency.

Mr. Vinal offered for adoption the following:

Resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress are requested to procure the re-enactment of the law allowing newspapers to go free of postage the distance of thirty miles from the place of publication.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Mr. Archbold moved to amend by striking out the word "thirty," and insert "fifty."

On motion of Mr. Goddard,

The resolution and pending amendment were referred to the standing committee on Federal Relations.

On motion of Mr. Dennison,

The Senate took a recess.

THREE O'CLOCK, P. M.

The Speaker laid before the Senate the special report of the Governor relative to the "personal examination into the government, regulations, and affairs of the benevolent institutions."

[See Pub. Doc.]

Laid on the table.

Also the special report of the Auditor of State, relative to the Norwalk & Sandusky Bank.

[See Pub. Doc.]

Referred to a select committee of three—Messrs. Burns, Worcester and Wilson.

Mr. Dubbs gave notice, that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill, to authorize the city council of the city of Cincinnati to borrow such sums of money as may be required for the improvement of the City Water Works.

Mr. Wilson, agreeable to previous notice, introduced the following bill:

S. 76: A bill to incorporate the Lower Sandusky, Tiffin & Fort Ball Plank Road Company.

Mr. Hendricks, agreeable to previous notice, introduced the following bill:

S. 77: A bill to authorize the sale of school section 16, in Monroe township, Preble county.

Mr. Myers, agreeable to previous notice, introduced the following bill:

S. 78: A bill to incorporate the Lower Sandusky & Sandusky City Plank Road Company.

Said bills were severally read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, in which the concurrence of the Senate is requested:

Relative to the inauguration of the Governor elect.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Goddard,

The Senate, preceded by their Speaker and Clerk, repaired to the Hall of the House of Representatives, and being seated within the bar, the Governor elect, and the joint committee of the Senate and House, and the officers of State, appeared at the bar; the Governor elect being conducted to a seat between the Speakers of both Houses, after having delivered his inaugural address, the oath of office was administered to him by the Hon. E. Avery, one of the judges of the Supreme Court.

[See Vol. Pub. Doc.]

At the conclusion of which the Senate returned to their chamber.

On motion of Mr. Claypool,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

TUESDAY, JANUARY 23, 1849.

Prayer by the Rev. Mr. Evans.

Mr. Evans presented the petition of William Donaldson and 30 other citizens of Green township, Brown county, for the passage of a law authorizing township trustees to levy an additional road tax.

Referred to a select committee of one—Mr. Evans.

Mr. Ewing presented the petition of George P. Torrence President pro tem. of the Medical College, to allow students of Medical Institutions to visit the Commercial Hospital and Lunatic Asylum at Cincinnati.

Referred to the standing committee on Medical Societies and Colleges.

Mr. Whitman presented the petition of 176 citizens of Lancaster and vicinity, to construct a railroad from Portsmouth via Chillicothe, Circleville, and Lancaster to Newark.

Also, the petition of 200 citizens of Licking county on the same subject.

Said petitions were referred to a select committee of one—Mr. Kendall.

Mr. Myers presented the petition of the city council of the city of Toledo, for certain amendments to the city charter.

Also, the petition of six members of Lodge No. 144, of Free and Accepted Masons, for the passage of a law incorporating said lodge.

Said petitions were referred to the standing committee on corporations.

Also, the petition of 35 citizens of Sylvania, Lucas county, for the passage of a law incorporating a company to construct a bridge across the Maumee river at Toledo.

Laid on the table.

Mr. Goddard presented the remonstrance of the stockholders of the Perrysburg & Maumee Toll Bridge Company, against the granting a charter to the Perrysburg & Maumee Union Bridge Company.

Referred to the standing committee on the Judiciary.

Mr. Dennison presented the petition of James Stephens and Gideon Walton, for work and labor performed on the Lunatic Asylum.

Referred to the standing committee on claims.

Mr. Horton, from the standing committee on claims, to which had been referred the claim of John Graham, for services rendered the Court in Bank, reported the same back and recommended the adoption of the resolution, which was agreed to.

Mr. Blocksom, from the standing committee on railroads and turnpikes, to which was referred Senate bill No. 13: To incorporate the Springfield & Columbus Railroad Company, have had the same under consideration and report the same back with one amendment, which was agreed to. The bill was then

Ordered to be engrossed and read the third time to-morrow.

The same gentleman, from the same committee, to which was referred Senate bill No. 15: To incorporate the Rossville & Millville Turnpike Road Company, have had the same under consideration, and report the same back with one amendment. Agreed to.

The bill was then ordered to be engrossed and read a third time on to-morrow.

The same gentleman, from the same committee, to which was referred Senate bill No. 23, to amend the act entitled "an act to incorporate the Toledo Plank Road Company," passed Jan. 28, 1848, have had the same under consideration and report the same back with one amendment; which was agreed to.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Bennett, from the standing committee on Medical Colleges and Societies introduced the following bill:

S. No. 79; A bill to amend the act to incorporate the Eclectic Medical Institution of Cincinnati, passed March 10, 1845.

Said bill was read the first time.

Mr. Blake, from the standing committee on Federal Relations, to which had been referred Senate joint resolution relative to the postage on newspapers, reported the same back with one amendment, strike out "thirty" and insert "fifty," which was agreed to, and recommended its adoption.

Mr. Goddard moved to recommit said resolution to a select committee of one, with instructions to report a resolution asking that the entire franking privilege be abolished; and if Congress do not see proper to abolish the franking privilege entirely, then that it be extended to newspapers sent to a distance not more than fifty miles from the place of publication; which was disagreed to.

The resolution was then agreed to.

The following bills were read a second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 74; To amend an act entitled "an act to incorporate the Medina County Mutual Fire Insurance Company," passed March 16, 1841.

S. No. 75; To amend the act to incorporate the city of Cleveland and the act amendatory thereto, passed March 20, 1841.

S. No. 76; To incorporate the Lower Sandusky, Tiffin, and Fort Ball Plank Road Company.

S. No. 77; To authorize the sale of school section 16 in Monroe township, Preble county.

S. No. 78; To incorporate the Lower Sandusky and Sandusky City Plank Road Company.

The following bill was read the third time:

S. No. 19; To incorporate the Perrysburg and Findley Plank Road Company.

Mr. Hendricks moved to amend by way of rider,

Provided that any future legislature, after the expiration of thirty years, may alter, amend, or repeal this act. Lost.

Mr. Burns moved to amend by way of rider,

Provided said company shall first obtain the consent of all resident landholders through whose land said road passes, before taking any

timber belonging to said resident landholders, at a distance greater than one hundred feet on each side of said road.

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 5, nays 29, as follows:

Those who voted in the affirmative were

Messrs. Beaver, Burns, Byers, Dimmock and Ewing—5.

Those who voted in the negative were

Messrs. Ankeny, Backus, Blake, Blocksom, Bennett, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Worcester and Speaker—29.

So the motion was lost.

The bill was then passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills to which the concurrence of the Senate is requested:

H. No. 18; To provide for the sale of the northwest quarter of section sixteen, of the original survey of township nine, range four, in the Steubenville district, now in Green township, Harrison county.

H. No. 26; To incorporate the town of Morrow, in the county of Warren.

H. No. 13; To incorporate the Ashtabula Central Plank Road Company.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were then read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested;

Resolution relative to the postage law.

Attest:

STANLEY MATTHEWS, Clerk.

House resolution was referred to the standing committee on Federal Relations.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 71; To provide for ascertaining the will of the people of this State upon the question of calling a convention to amend or change the constitution of the same.

H. No. 72; To amend the act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed March 20, 1837.

H. No. 73; To incorporate the town of Youngstown, in the county of Mahoning.

H. No. 74; Authorizing the city council of the city of Cincinnati to borrow such sums of money as may be required for the improvement of the city water works.

H. No. 75; To incorporate the Sandusky City and Castalia Plank Road Company.

H. No. 76; To incorporate the Lake Erie and Milan Plank Road Company.

H. No. 77; To amend an act allowing juries before justices of the peace.

H. No. 78; Further to amend an act entitled "an act for the incorporation of townships," passed March 5, 1831.

H. No. 79; To revive a certain act therein named.

H. No. 80; To incorporate the town of Wapaukonnetta, in the county of Auglaize.

H. No. 81; To incorporate the Savannah Toll Bridge Company, in the county of Athens.

H. No. 82; To authorize the sale of school section sixteen in Pleasant township, Hancock county.

H. No. 83; To authorize the trustees of Portland township, Erie county, to borrow twenty thousand dollars, for the improvement of the Sandusky Harbor.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. 22; To incorporate the Judson College, in the county of Harrison.

H. No. 4; To incorporate the Madison and Fayette Turnpike Road Company.

H. No. 16; To authorize the sale of school section sixteen in Salem township, Wyandott county.

H. No. 19; To extend the corporate limits of the town of Germantown, in Montgomery county.

H. No. 20; To incorporate the town of Farmersville, in Montgomery county.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were read the first time.

Mr. Burns, in accordance with previous notice, introduced the following bill:

S. No. 80; A bill to amend an act entitled "an act to incorporate the town of Mansfield, in the county of Richland, and repeal all acts now in force in relation thereto," passed March 13, 1843.

Mr. Dubbs, in accordance with previous notice, introduced the following bill :

S. No. 81 ; A bill to authorize the city council of the city of Cincinnati to borrow money for the improvement and extension of the city water works.

Said bills were severally read the first time.

Mr. Scott gave notice that on to-morrow or some subsequent day of the session, he should ask leave to introduce a bill to incorporate the Wapakonnetta and St. Mary's Plank Road Company.

Also a bill to incorporate the St. Marys and Wilshire Plank Road Company.

Mr. Judy, in accordance with previous notice, introduced the following bill :

S. No. 82 ; A bill to amend an act entitled an act to establish a free turnpike road from Marysville, in Union county, to Kenton, in Hardin county.

Said bill was read the first time.

On motion of Mr. Dennison,

The committee of the whole were discharged from the further consideration of Senate bill No. 46 ; To amend an act entitled an act prescribing the times of holding the court of common pleas in the twelfth judicial circuit, passed February 2, 1848.

The bill was then ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Ankeny,

Senate bill No. 9 ; For the relief of John Devine, James M. Snyder and William Sharp, was taken up.

The question being on the engrossment of the bill, was agreed to.

Ordered, that the bill be read a third time on to-morrow.

Mr. Conklin gave notice that he will on to-morrow or some subsequent day of the present session, ask leave to introduce a bill supplementary to the act to incorporate the Troy and Newton Turnpike Company.

Mr. Evans, from the select committee on that subject, introduced the following bill :

S. No. 83 ; A bill to authorize trustees of townships in Brown county to levy an additional road tax.

Said bill was read the first time.

On motion of Mr. Bennett,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Bennett in the chair, and after some time spent therein, rose and reported back the following bills :

S. No. 25 ; To organize school district No. 7, Liberty township, Clinton county.

The question being on the engrossment of the bill, was agreed to.

Ordered, that the bill be read a third time on to-morrow.

S. No. 26 ; To incorporate the Toledo Bridge Company, with amendments, which were agreed to.

Mr. Hendricks moved to amend by adding the following :

Provided, any future Legislature after the year 1880 shall have power to alter, amend or repeal this act.

Mr. Ewing moved further to amend as follows :

Any future Legislature may repeal this act whenever such Legislature may deem it expedient.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 7, nays 27, as follows :

Those who voted in the affirmative were

Messrs. Ankeny, Burns, Byers, Dubbs, Emrie, Ewing and Scott—7.

Those who voted in the negative were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Swift, Whitman, Worcester and Speaker—27.

So the amendment was lost.

On motion of Mr. Goddard, the bill, with the pending amendment, was referred to the standing committee on the Judiciary.

On motion,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Scott in the chair, and after some time spent therein rose and reported back sundry bills, some with and some without amendments.

S. No. 27 ; To incorporate the Painesville and Warren Plank Road Company.

The question being on ordering the bill to be engrossed for a third reading,

Mr. Archbold moved to amend by inserting the following :

" Provided that nothing in this act contained shall be so construed as to authorize the levying of a tax on any tax payer who shall have voted against the imposition of that tax."

On motion of the same gentleman,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on agreeing to the amendment to the bill,

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 20, as follows :

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Hendricks, Patterson and Scott—14.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Blocksom, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Kendall, Myers, Swift, Vinal, Whitman, Worcester and Speaker—20.

So the motion was lost.

The question being on ordering the bill to be engrossed, was agreed to.

Ordered that the bill be read a third time on to-morrow.

On motion of Mr. Ewing,

The annual message of the Governor was taken up.

On motion of the same gentleman,

Resolved, That so much of the annual message of the Governor of the State as relates to the currency, be referred to the standing committee on the currency. That so much as refers to common schools and colleges be referred to the standing committee on common schools. That so much as relates to the payment of the interest and principal of state debt, be referred to the standing committee on Finance. That so much as relates to the Penitentiary, be referred to the standing committee on the penitentiary. That so much as relates to the new state house, be referred to the standing committee on state buildings. That so much as relates to the calling of a convention of the people, to amend the constitution of the state, be referred to the standing committee on the judiciary. That so much as relates to the repeal of the black laws, be referred to the select committee on that subject.

On motion of Mr. Beaver,

The message was again laid on the table.

On motion of Mr. Beaver,

The report of the select committee on unfinished business was taken up.

On motion of the same gentleman,

So much as relates to the county of Walhonding, was referred to the standing committee on new counties.

On motion of Mr. Buckus,

So much as relates to the granting of tavern licenses, in the city of Cleveland, was referred to a select committee of one—Mr. Buckus.

Mr. Dennison moved that so much as relates to the Columbus and Sandusky Turnpike company, be referred to the standing committee on claims, which was lost.

Mr. Whitman moved that it be referred to the standing committee on the Judiciary, which was agreed to.

On motion of Mr. Corwin,

So much as relates to the petition of Timothy Jaynes and 32 other residents, in Jefferson township, Fayette county, for power to sell and convey a certain parcel of ground, was referred to a select committee of one—Mr. Corwin.

On motion of the same gentleman,

The report was laid on the table.

On motion of Mr. Hendricks,

The Senate resolved itself into the committee of the whole, on the orders of the day, Mr. Corwin in the chair, and after sometime spent therein, arose and reported back the following bills, some with and some without amendments.

S. No. 28; To incorporate the Evangelical Lutheran St. John's Congregation, of Springfield, Clark county, Ohio.

Referred to the standing committee on corporations.

S. No. 29; To amend the act to incorporate the Ross County Turnpike company, passed February 19, 1848, with amendments, which were disagreed to.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 30; To amend the charter of the Huron and Oxford Railroad company, with an amendment which was agreed to.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 31; To incorporate the Hamilton, Rossville, Millville and Scipio Turnpike road company.

Ordered to be engrossed and read the third time on to-morrow.

On motion of Mr. Goddard,

The committee of the whole were discharged from the further consideration of S. No. 37; Prescribing the times of holding the supreme court, and the bill was referred to a select committee of one—Mr. Goddard.

Mr. Goddard gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill prescribing the times for holding courts of common pleas in the eighth Judicial circuit.

On motion of Mr. Beaver,

S. No. 4; To repeal the act of the 5th of January, 1804, with the pending amendment, was taken up.

On motion of Mr. Blake,

Said bill and pending amendment were referred to a select committee of one—Mr. Blake.

On motion of Mr. Hendricks,

Resolved, That the committee on common schools and school lands, be instructed to inquire into the expediency of revising the school laws.

Mr. Myers gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill to amend the Toledo, Sandusky and Michigan City Railroad charter.

Mr. Judy, in accordance with previous notice, introduced the following bill:

S. No. 84; A bill to lay out and establish a free turnpike road from Newton, in Union county, to Delaware, in Delaware county.

Said bill was read the first time.

On motion of Mr. Kendall,

Resolved, That the standing committee on Railroads and Turnpikes be requested to enquire into the expediency of reporting a bill providing for a general law, incorporating plank road companies.

Message from the House of Representatives.

Mr Speaker:

The following bills have been introduced into the House and read a first time:

H. No. 84; To amend the act, passed February 4th, 1838, entitled an act to incorporate the town of Jefferson, in the county of Ashtabula.

H. No. 85; To amend the act providing for the punishment of crimes.

H. No. 86; To amend the act regulating marriages.

H. No. 87; To amend the act prescribing the times of holding the courts of common pleas of the third Judicial circuit, passed January 8th, 1848.

H. No. 88; To incorporate the Farmington Normal School Association, in the county of Trumbull.

H. No. 89; To provide for the protection of sheep, and impose a tax on dogs, in the counties of Belmont, Harrison, Jefferson and Champaigne.

H. No. 90; To amend a part of the act incorporating the town of Steubenville.

H. No. 91; To authorize the sale of school lands of Venice township, in Seneca county.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following resolution, in which the concurrence of the Senate is requested:

Relative to inquiry as to the public improvements of the State.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Geddard,

Said resolution was referred to the standing committee on public works and public lands.

The Speaker laid before the Senate a communication from the Auditor of State, in reply to Senate resolution of the 27th of December last.

On motion,

Said communication was referred to a select committee of one—Mr. Myers.

On motion of Mr. Conklin,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

WEDNESDAY, JANUARY 24, 1849.

Prayer by Rev. Mr. Hitchcock.

Mr. Ewing presented a petition (about 75 feet in length) in favor of the passage of a law to construct a railroad from Cincinnati to St. Louis, &c.

Referred to a select committee of one—Mr. Ewing.

Mr. Claypool presented the petition of George Wood and 25 others of Ross county, for a railroad from Portsmouth to Newark.

Laid on the table.

Mr. Lewis presented sundry petitions from citizens of Harrison and Tuscarawas counties, in favor of the erection of the new county of Chester.

Referred to the standing committee on new counties.

Mr. Burns presented three petitions of 71 citizens of Hanover township, Ashland county, for certain portions of said township, to be attached to Richland county.

Referred to the standing committee on new counties.

Also the petition of Peter Yost of Ashland county, for an alteration in the school law.

Referred to the standing committee on schools and school lands.

Mr. Patterson presented the remonstrance of A. D. Larison and 152 other citizens of Licking county, against the new county of Walhonding.

Referred to the standing committee on new counties.

Mr. Haines presented the petition of sundry citizens of Washington and Morgan counties, for a graded state road from Hill's wood yard to McConnellsville.

Referred to a select committee of one—Mr. Haines.

Mr. Myers presented the petition of 27 tax payers, for the passage of a law for the construction of a certain turnpike road therein named.

Referred to the standing committee on railroads and turnpikes.

Mr. Archbold, from the standing committee on the judiciary, to which has been referred S. No. 22, to prevent hunting, killing and destroying deer at certain seasons of the year, reported the same back and asked that the committee be discharged from the further consideration of the subject. Agreed to.

Said bill was then referred to a select committee of one—Mr. Beaver.

The same gentleman from the same committee, to which the petition of citizens of Medina county, asking for a law to protect religious meetings, reported the same back, and asked to be discharged from the further consideration of the subject. Agreed to.

The same gentleman from the same committee, to which the petition of Mrs. Alpha M. H. Buck, alias Alpha M. H. King, for a divorce from her husband, John King, reported the same back with the following report.

(See Appendix, p. 304.)

And asked to be discharged from the further consideration of the subject. Agreed to.

Mr. Goddard, from the standing committee on public works and public lands, introduced the following bill:

S. No. 35; A bill further to amend the act to provide for the internal improvement of the state of Ohio, by navigable canals.

Said bill was read the first time.

Mr. Lewis, from the standing committee on the Penitentiary, to which was referred Senate resolution relative to the number of convicts pardoned during the official term of the late Governor Bebb, made the following report.

(See Appendix, p. 367.)

Mr. Blocksom, from the standing committee on railroads and turnpikes, to which was referred S. No. 20, to incorporate the Norwalk plank road company, have had the same under consideration and report the same back with the following amendments.

Sec. 1, line 2. After the name, Samuel P. Gay, insert John Smith and John B. Wilbor.

Same line, after the word "Eric," insert "Timothy Baker, Aaron Davenport, Jeremiah Cole and Charles B. Simmons."

Sec. 2, line 1. After the words "consist of," strike out "forty" and insert "sixty."

Sec. 1, line 11. Strike out "county of Huron," and insert "counties."

Same line, after the words "points in" strike out the words "said county" and insert the words "the same."

Add the following section:

Sec. 5. This act may be amended or repealed at any time after the expiration of thirty years from the date of its passage.

Said amendments were severally agreed to.

The question being on ordering the bill to be engrossed, was agreed to.

Ordered that the bill be read a third time on tomorrow.

Mr. Swift, from the standing committee on New Counties, made the following report:

The committee on New Counties, to which was referred so much of the report of the committee on Unfinished business, as relates to the new county of Walhonding, and the petition of sundry citizens of Lucas county, praying for the erection of a new county, have had the same under consideration, and now report:

Your committee are of opinion that the session of the General Assembly has so far advanced, and so little of general interest transacted, that it will be impossible to give due deliberation to questions of a local character, of so exciting and conflicting a nature as the erection of new counties, in the short time left us, so as to do justice to all concerned. And looking to an early adjournment, we think we would be doing injustice to our constituents, if we attempted to pass upon the numerous claims for new counties at this session. Your committee therefore report the following resolution, and recommend its adoption:

Resolved, That it is inexpedient to entertain any propositions for the erection of new counties, at this session, and that the committee on new counties be discharged from all further consideration of that subject.

L. SWIFT,
A. G. DIMMOCK,
ISAAC HAINES.

The question being on agreeing to the report of the committee, Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Blocksom, Bennett, Byers, Dimmock, Emrie, Evans, Ewing, Goddard, Graham, Haines, Horton, Scott, Swift, Whitman, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Archbold, Beaver, Blake, Burns, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Hendricks, Judy, Kendall, Lewis, Myers, Patterson and Vinal—17.

So the report was adopted and the resolution agreed to.

Mr. Dennison, from the standing committee on universities, colleges and Academies, to which was referred S. No. 17, to incorporate the trustees of the Ohio institute of natural science, reported the same back, and recommended the engrossment of the bill. Agreed to.

Ordered that the bill be read the third time tomorrow.

Mr. Blake, from the select committee to which was referred S. No. 4, to repeal the act of 5th January, 1804, and the acts amendatory thereto, with the amendment, reported the same back and recommended its adoption.

Mr. Scott moved to recommit the bill and pending amendment to the standing committee on the judiciary, with the following instructions:

To so amend the bill that all colored persons be prohibited from holding any real estate within the state of Ohio:

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Emrie, Evans, Ewing, Graham, Kendall, Myers, Patterson, Scott, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Dimmock, Dubbs, Goddard, Haines, Hendricks, Horton, Judy, Lewis, Swift, Vinal, Worcester and Speaker—19.

So the motion was lost.

Mr. Byers moved to lay the bill and amendment on the table.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Evans, Ewing, Graham, Kendall, Myers, Patterson, Scott, Vinal, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Dimmock, Goddard, Haines, Hendricks, Horton, Judy, Lewis, Swift, Worcester and Speaker—18.

So the motion was lost.

The question being on the amendment to the bill,

Mr. Scott moved to amend as follows:

Provided, That this law shall not be in force in the counties of Mercer, Auglaize, Allen, Van Wert, Putnam, Paulding, Defiance and Williams.

Mr. Scott demanded the yeas and nays thereon, which were ordered and resulted, yeas 11, nays 25, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Byers, Claypool, Dimmock, Graham, Myers, Patterson, Scott, Whitman and Wilson—11.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Beaver, Bennet, Blake, Burns, Chase, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Ewing, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—25.

So the motion was lost.

Mr. Whitman moved to amend as follows:

Provided, That the provisions of the bill shall not extend to the counties of Fairfield, Perry, Hocking and Monroe.

Mr. Ewing moved to recommit the bill and pending amendments to the select committee who reported the same.

Mr. Whitman moved a call of the Senate, which was ordered, all being present.

On motion of Mr. Wilson,

All further proceedings under the call were dispensed with.

The question being on recommitting,

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 21, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Den-
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nison, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Haines, Judy, Myers, Patterson, Scott, Vinal, Whitman and Wilson—21.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennet, Blake, Claypool, Conklin, Corwin, Goddard, Hendricks, Horton, Kendall, Lewis, Swift, Worcester and Speaker—15.

So the motion was agreed to.

Mr. Goddard, from the select committee to which was referred S. No. 37; Prescribing the times of holding the supreme court, reported the same back with two amendments, which were agreed to.

The question being on ordering the bill to be engrossed,

Mr. Ewing moved to refer the bill to the standing committee on the judiciary.

On motion of Mr. Whitman,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on referring S. No. 37, to the standing committee on the judiciary,

Mr. Whitman moved a call of the Senate, which was ordered and Messrs. Archbold, Blocksom, Claypool, Emrie, Graham and Worcester were absent.

On motion of Mr. Ewing,

All further proceedings under the call were dispensed with.

On motion of Mr. Ewing,

The bill was recommitted to the committee of the whole Senate.

Mr. Beaver, from the select committee to which was referred S. No. 2, to repeal the law prohibiting black and mulatto persons from testifying in courts of justice, reported the same back and recommended its engrossment.

Mr. Scott moved to lay the bill on the table.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 11, nays 22, as follows:

Those who voted in the affirmative, were

Messrs. Burns, Byers, Chase, Dimmock, Dubbs, Ewing, Patterson, Scott, Vinal, Whitman and Wilson—11.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Beaver, Bennett, Blake, Blocksom, Conklin, Corwin, Dennison, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Swift and Speaker—22.

So the motion was lost.

The question being on ordering the bill to be engrossed,

Mr. Myers moved a call of the Senate, which was ordered, and Messrs. Archbold and Worcester were absent.

On motion of the same gentleman,
All further proceedings under the call were dispensed with.
The question being on the engrossment of the bill,
Mr. Archbold moved to lay the bill on the table.
The same gentleman demanded the yeas and nays thereon, which
were ordered and resulted—yeas 19, nays 17, as follows:

Those who voted in the affirmative, were
Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Claypool, Dimmock, Dubbs, Emrie, Evans, Ewing, Judy, Myers, Patterson, Scott, Vinal, Whitman and Wilson—19.

Those who voted in the negative, were
Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Worcester and Speaker—17.

So the bill was laid on the table.
Mr. Claypool moved to reconsider the vote on S. No. 2.
Mr. Archbold demanded the yeas and nays thereon, which were
ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative, were
Messrs. Backus, Beaver, Blake, Bennett, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were
Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Judy, Myers, Patterson, Scott, Whitman and Wilson—18.

So the motion was lost.
The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. No. 79; To amend the act to incorporate the Eclectic Medical Institution of Cincinnati, passed March 10, 1845.

S. No. 80; To amend an act entitled an act to incorporate the town of Mansfield, in the county of Richland, and repeal all acts now in force, in relation thereto, passed March 13, 1843.

S. No. 81; To authorize the city council of the city of Cincinnati, to borrow money for the improvement and extension of the city water works.

S. No. 82; To amend an act entitled an act to establish a free turnpike road from Marysville in Union county, to Kenton in Hardin county.

S. No. 83; To authorize trustees of townships in Brown county to levy an additional road tax.

H. No. 2; To incorporate the Judson College at Jefferson, in the county of Harrison.

H. No. 4. To incorporate the Madison and Fayette Turnpike Road company.

H. No. 13; To incorporate the Ashtabula Plank Road Company.

H. No. 16; To authorize the sale of school section sixteen in Salem Township, Wyandotte county, Ohio.

H. No. 18; To provide for the sale of the north west quarter of section sixteen of the original survey, of township nine, range four, in the Steubenville land district, now in Green township, Harrison county.

H. No. 19; To extend the corporate limits of the town of Germantown.

H. No. 20; To incorporate the town of Farmersville, in the county of Montgomery.

H. No. 26; To incorporate the town of Morrow, in the county of Warren.

S. No. 84; To lay out and establish a free turnpike road from Newton, in Union county, to Delaware, in Delaware county.

The following bills were severally read the third time and passed:

S. No. 9; For the relief of John Devine, James M. Snyder and William Sharp.

S. No. 13; To incorporate the Springfield and Columbus Railroad company.

S. No. 15; To incorporate the Rossville and Millville Turnpike road company.

S. No. 25; To organize school district No. 7, Liberty township, Clinton county.

S. No. 31; To incorporate the Hamilton, Rossville, Millville and Scipio Turnpike road company.

S. No. 46; To amend an act entitled an act prescribing the times of holding the Courts of Common Pleas in the twelfth judicial circuit, passed February 2, 1848.

Ordered that the titles be as aforesaid.

The following bill was read the third time:

S. No. 23; To amend the act entitled an act to incorporate the Toledo Plank Road company, passed January 28, 1848.

Referred to a select committee of one—Mr. Myers.

The following bill was read the third time:

S. No. 27; To incorporate the Painesville and Warren Plank Road company.

Mr. Archbold moved to amend the bill as follows, by way of rider:

But no tax shall be levied on any person voting against its imposition.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted, yeas 9, nays 27, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Burns, Byers, Chase, Dimmock, Ewing, Patterson and Wilson—9.

Those who voted in the negative, were

Messrs. Backus, Beaver Bennett, Blake, Blocksom, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Scott, Swift, Vinal, Whitman, Worcester and Speaker—27.

So the motion was lost.

So the bill passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

H. No. 33; To change the name of John G. Backhaus to John G. Baker.

H. No. 34; To incorporate the Locust Street Wharf company, of Gallipolis.

H. No. 40; Prescribing the times of holding the Courts of Common Pleas in the sixteenth judicial circuit.

H. No. 36; To incorporate the town of Malvern in the county of Carroll.

H. No. 37; To amend the act entitled an act to encourage the organization of Fire companies, and to repeal former acts, passed February 8, 1847.

H. No. 39; To incorporate the London, Somerford, and Mechanicsburgh Turnpike.

H. No. 48; To authorize the sale of school section sixteen in Harrison township, Gallia county.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced and read the first time.

H. No. 92; To amend the act entitled an act further to amend the act to incorporate the town of Painesville, passed February 8, 1847.

H. No. 93; To incorporate the Milford, Edenton and Woodfield Turnpike company.

H. No. 94; To incorporate the Hocking County Savings Institute, at Logan.

H. No. 95; To authorize the sale of school lands belonging to Union township, (fractional) Champaign county.

H. No. 96; To revive and continue in force the provisions of an act entitled an act to amend an act to incorporate the Portsmouth Dry Dock and Steamboat Basin company, passed February 14, 1846.

H. N. 97; To amend an act entitled an act to incorporate the town of Elyria.

H. No. 98; To authorize the trustees of the original surveyed town-

ship in Brown township, Athens county, to lease to the original lessees or their assigns, section 29 in said township.

H. No. 99; Regulating the sale of Intoxicating liquors within the county of Monroe.

H. No. 100; To lay out and establish a state road in the counties of Washington and Athens.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Beaver gave notice that on to-morrow or some subsequent day of this session, he would ask leave to introduce a bill to incorporate a company to make a plank road from Conneaut Harbor to Youngstown.

Mr. Corwin, from the select committee to which the petition of John Antram and 48 others of Clinton county, for an amendment to the banking law, and for the establishment of a Branch of the State Bank of Ohio in Wilmington, reported the same back and asked to be discharged, and that the petition be referred to the standing committee on the Currency. Agreed to.

Mr. Swift offered for adoption the following:

Resolved, That the Clerk of the Senate shall deliver the orders of this Senate for printing, to Charles Scott and Jonathan Phillips: that is to say—the bills and resolutions and other matters that may be ordered to be printed, in the form of bills, to Jonathan Phillips; and to Charles Scott, the reports, communications, and other documents ordered by the Senate to be printed, together with the journals; provided that prices for the several kinds of printing be no higher than was authorized to be paid last session for the same kinds of work; and, provided, that the said Scott and Phillips will credit the State on account of such printing, with the sums of money advanced to them by the State Auditor respectively; and, provided also, that the passage of this resolution shall not be construed as affirming or disaffirming the validity of any laws heretofore passed on the subject of printing, or any contract made under such laws.

Resolved, That the printing of the Senate done under the direction of the Clerk, up to this day, and all necessary materials for such printing, be paid for out of the appropriate fund at the same rates that were paid for similar work or materials at the last session.

Mr. Ewing moved to refer the resolutions to the standing committee on Printing.

Mr. Beaver demanded the yeas and nays which were ordered, and resulted yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson Scott, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

So the motion was lost.

Mr. Whitman moved to amend as follows—strike out all words relating to affirming or disaffirming the contracts.

Mr. Ewing moved to lay the resolutions and pending amendment on the table.

Mr. Beaver demanded the yeas and nays which were ordered, and resulted yeas 16, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Dimmock, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—20.

So the motion was lost.

The question then recurring on agreeing to the amendment to the resolution,

Mr. Whitman demanded the yeas and nays, which were ordered, and resulted yeas 17, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Emrie moved to amend as follows:

Resolved further, That this Senate will not agree to pay for any printing which has been done without its order or the order of its Clerk.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted, yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Byers moved that the Senate adjourn.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

So the motion was lost.

Mr. Whitman offered the following amendment:

"That this Senate has the constitutional right to employ whom it pleases, to execute its printing, and that one Legislature has no power to make contracts which shall prevent either branch of any succeeding Legislature from ordering its printing to be done by any person."

Mr. Kendall demanded the yeas and nays thereon, which were ordered, and resulted yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

So the motion was lost.

Mr. Dimmock moved to strike out the words "Charles Scott," and insert "Garrard & Hamlin."

Mr. Beaver demanded a division of the question.

The question being on striking out,

Mr. Beaver demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the Senate refused to strike out.

Mr. Whitman moved to amend as follows:

“That these resolutions be referred to the standing committee on Printing, with instructions to examine and report if any and how much and what printing has been done, by any person, since the commencement of this session, without the order of the Senate or the direction of the Clerk.”

Mr. Dubbs moved that the Senate adjourn.

Mr. Claypool demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Patterson, Scott, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Swift, Vinal, Worcester and Speaker—20.

So the motion was lost.

The question then recurring on agreeing to the amendment,

Mr. Beaver demanded the yeas and nays, which were ordered, and resulted yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

So the motion was lost.

Mr. Dimmock moved to amend as follows—strike out “Jonathan Phillips,” and insert “J. H. Purdy.”

Mr. Beaver demanded a division of the question.

The question being on striking out,

Mr. Whitman demanded the yeas and nays, which were ordered, and resulted yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

So the motion was lost.

Mr. Burns moved that the Senate adjourn.

Mr. Beaver demanded the yeas and nays thereon, which were ordered, and resulted yeas 17, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

So the motion was lost.

Mr. Wilson moved to amend as follows—strike out the words “or disaffirm,” in the first resolution.

Mr. Beaver demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the amendment was disagreed to.

Mr. Emrie moved to amend as follows:

“And, provided also, that in estimating and charging for the composition of such reports, communications or other documents as may be ordered to be printed, nothing shall be computed as rule and figure work which does not consist of tables of figures, with rules, either perpendicularly or horizontally on the page.”

Mr. Dimmock moved to refer the resolution with the instructions, to a select committee of two.

Mr. Wilson move the Senate adjourn.

Mr. Backus demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the Senate refused to adjourn.

The question being on the reference to a select committee,

Mr. Beaver demanded the yeas and nays, which were ordered, and resulted yeas 17, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Dennison, Godcard, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—15.

So the motion was agreed to.

The Speaker appointed Messrs. Dimmock and Hendricks said committee.

On motion of Mr. Whitman,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

THURSDAY, JANUARY 25, 1849.

Prayer by Rev. Mr. Brooks.

Mr. Burns presented the petition of the Commissioners of Morrow county, to establish the line of said county so as to include the whole of the township of Canaan in said county, as the same was originally laid off.

Referred to the committee on New Counties.

Mr. Scott presented the petition of William Browning of Mercer county, for relief.

Referred to the committee on the Judiciary.

Also, the petition of John T. Woodruff and 80 citizens of Van Wert county for a law empowering the Commissioners of said county to borrow money to erect public buildings.

Also the petition of William Reed and 37 citizens of the same county on the same subject.

Laid on the table.

Mr. Dennison presented the petition of J. W. Baldwin, Administrator of M. J. Gilbert, deceased, late of Franklin county, for a law allowing him to complete real estate contracts and to partition and sell lands.

Referred to the committee on the Judiciary.

Mr. Goddard presented the remonstrance of 116 citizens of Maumee City against the passage of the bill to incorporate the Perrysburg and Maumee Union Bridge company.

Referred to the committee on the Judiciary.

Mr. Whitman presented two petitions from 105 citizens of Lancaster and vicinity, for a railroad from Portsmouth to Newark.

Laid on the table.

Mr. Vinal presented the petition of Adam Baker and 100 other citizens of Clark county, for the incorporation of a company to construct a turnpike road in said county.

Referred to a select committee of one—Mr. Vinal.

Mr. Myers presented the petition of 72 citizens of Oregon township, Lucas county, for the incorporation of a company to build a bridge over the Maumee at Toledo.

Also, the remonstrance of 145 citizens of Maumee City against the erection of a bridge across the Maumee at Toledo.

Referred to the committee on the Judiciary.

Mr. Emrie presented the petition of Elizabeth A. Degraw of Highland county, that her name be changed to that of Elizabeth A. Miller.

Referred to a select committee of one—Mr. Emrie.

The Speaker presented the petition of John Noble and 90 other citizens of Wellsville, Columbiana county for an amendment of the law relative to the collection of school bills.

Referred to the committee on Schools and School Lands.

Mr. Goddard, from the standing committee on Public Works and Public Lands, to which was referred Senate bill No. 7, to provide for the election of the Board of Public Works by the people, reports the bill back and recommends that it be laid upon the table.

The committee is influenced in this course by the fact that a bill is pending to take the sense of the people upon the propriety of calling a convention to amend the constitution. Should that pass by the required majority, the committee thinks it would be unwise to pass this bill, but that the subject of extending popular elections should be left to be settled by the people themselves in a new constitution. Should the bill fail to receive the requisite majority, that now reported back should then be taken up and disposed of, as the Senate in its wisdom may deem proper.

Agreed to and the bill laid on the table.

Mr. Blake, from a majority of the standing committee on Federal Relations, to which was referred the Senate resolutions relative to slavery, reported the same back and recommended their adoption.

Mr. Whitman moved to lay said resolutions on the table.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 18, as follows :

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Whitman moved to refer the resolutions to a select committee of three.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 18, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Archbold moved to refer the resolutions to the standing committee on the Judiciary.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

The question being on the adoption of the resolutions,

On motion of Mr. Whitman,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question recurring on the adoption of the resolutions,

Mr. Dimmock moved to amend the resolutions as follows: Strike out all after the word "resolved," and insert

That we hold to the doctrine that the people are capable of self-government; that each of the several States of this Union is sovereign and independent, having full power to control their own internal affairs; and that any interference with that power by the people of other States, or by the general government, is contrary to the provisions of their national charter, and ought never be tolerated.

Resolved, That the people of the territories belonging to the United States are entitled to the same rights, powers, and privileges, as enjoyed by the people of the States, and are equally capable of governing themselves. That they ought to be allowed to institute such form of government as may seem to them to be most conducive to their welfare and happiness, conforming always to the provisions of the constitution of the United States; and that any interference with their right, power, or privilege of self-government, by any of the States of this Union, or by the Congress of the United States, is unwise, impertinent, impolitic, and contrary to the spirit of our free institutions. That our Senators in Congress be instructed, and our Representatives be and they are hereby requested, to confine themselves to protecting our citizens in those territories from the intrusion of Indians or aggressions of foreign countries, and leave them to institute their own local governments.

Mr. Blake demanded a call of the Senate, which was ordered, and Messrs. Conklin, Corwin, Judy, Swift, Wilson and Worcester were absent.

On motion of Mr. Whitman,

All further proceeding under the call were dispensed with.

The question being on agreeing to the amendment to the resolutions,

Mr. Worcester demanded a division of the question.

The question being on striking out,

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 20, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Patterson, Scott, Whitman and Wilson—16.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Swift, Vinal, Worcester and Speaker—20.

So the motion was lost.

Mr. Wilson offered the following amendment:

That the people of Ohio now, as they have always done, look upon the institution of slavery, in any part of the union, as an evil, and unfavorable to the full development of the spirit and practical benefits of free institutions; and that, entertaining these sentiments, they will at all times feel it to be their duty to use all power clearly given by the

terms of the national compact to prevent its increase, to mitigate and finally to eradicate the evil.

And resolved further, that at the same time we fully recognize the doctrine that to each State belongs the right to adopt and modify its own municipal laws; to regulate its own internal affairs; to hold and maintain an equal and independent sovereignty with each and every other State; and that upon these rights the national legislature can neither legislate nor encroach.

Resolved, That each State may adopt such constitution as they deem expedient, so that it be a republican form of government.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Chase moved to amend the resolutions as follows:

Strike out the words "strenuously demand the application of," in the second resolution, and insert the following:

"Insist upon the right of Congress to apply."

Mr. Beaver demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 19, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

So the amendment was disagreed to.

The question then being on the adoption of the resolutions,

Mr. Archbold moved to amend as follows:

Strike out the latter clause of the first resolution; "which ought to be abolished as soon as that end can be constitutionally accomplished."

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 9, nays 27, as follows:

Those who voted in the affirmative were

Messrs. Archbold, Blocksom, Burns, Chase, Dimmock, Dubbs, Evans, Ewing and Wilson—9.

Those who voted in the negative were

Messrs. Ankeny, Backus, Beaver, Bennett, Blake, Byers, Claypool, Conklin, Corwin, Dennison, Emrie, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Worcester and Speaker—27.

So the motion was lost.

Mr. Chase moved the Senate adjourn.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 18, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the Senate refused to adjourn.

The question being on the adoption of the resolutions,

Mr. Whitman moved a call of the Senate, which was ordered, and Messrs. Archbold, Claypool, Corwin, Dimmock and Wilson were absent.

On motion of the same gentleman,

All further proceedings under the call were dispensed with.

The same gentleman moved the Senate adjourn.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 16, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift and Whitman—15.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was lost.

Mr. Whitman demanded a call of the Senate, which was ordered, and Messrs. Archbold, Burns, Corwin, Dimmock and Wilson were absent.

On motion of Mr. Blake,

All further proceedings under the call were dispensed with.

On motion of the same gentleman,
The resolutions were referred to a select committee of one—Mr. Blake.

On motion of Mr. Whitman,
The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

FRIDAY, JANUARY 26, 1849.

Mr. Wilson presented the petition of Warren P. Noble and 24 other citizens of Seneca county, to have all the labor appropriated to public highways performed by the first day of August annually.

Referred to the standing committee on Roads and Highways.

Mr. Blake, from the select committee to which had been referred Senate resolutions relative to slavery, reported the same back and recommended their adoption.

Mr. Myers moved a call of the Senate, which was ordered, and Messrs. Archbold, Claypool, Corwin, Graham, Judy and Vinal were absent.

Mr. Wilson moved that Messrs. Claypool, Graham, Judy and Vinal be excused.

Mr. Burns moved to lay the motion on the table. Agreed to.

On motion of Mr. Dennison,

Mr. Corwin was excused owing to illness.

On motion of Mr. Dennison,

The motion that was laid on the table was taken up.

The question being on excusing the Senators absent, it was agreed to.

The question then recurred on the adoption of the resolutions.

Mr. Burns offered the following:

Resolved, That a copy of these resolutions be forwarded to General Zachary Taylor.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott, Swift and Whitman—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, God-

dard, Haines, Hendricks, Horton, Kendall, Lewis, Worcester and Speaker—14.

So the amendment was agreed to.

Mr. Byers moved to amend as follows:

WHEREAS, Gen. Taylor was supported for, and elected to, the Presidency, for the purpose of settling the vexed question of slavery, and as this is a republican government, where the wishes of the people constitutionally expressed, should have its full force and be of binding effect. Therefore,

Resolved, That it is not the intention of this General Assembly, that our Senators and Representatives in Congress shall attempt to carry out the foregoing instructions until after the commencement of Gen. Taylor's administration.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Patterson, Scott, and Whitman—13.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Myers, Swift, Worcester and Speaker—16.

So the amendment was lost.

Mr. Dimmock moved to add the following:

Resolved, That fanaticism is the same, whether found north or south of Mason and Dixon's line, and nothing in these resolutions shall be so construed as to encourage the dangerous feelings which now exist in the country, and in its national councils, and which blindly seeks to build up political prejudices upon imaginary or geographical divisions.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 11, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Ewing, Patterson, Scott and Whitman—11.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Myers, Swift, Worcester and Speaker—16.

So the amendment was lost.

Mr. Dimmock moved to amend as follows:

Resolved, That it is the interest of the great west, to so exert its power as to prevent the dangerous extremes to which sectional prejudices and over-heated party feelings are hastening the country.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott and Whitman—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Swift, Worcester and Speaker—15.

So the motion was lost.

Mr. Byers moved to add the following:

Resolved, In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*—Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence in particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott, Swift and Whitman—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Worcester and Speaker—14.

So the amendment was agreed to.

Mr. Burns moved to add the following:

Resolved, That the ownership of three hundred slaves is a safe guarantee that the owner is a genuine free soiler, and a firm friend of the *Wilmot Proviso*.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas 2, nays 26, as follows:

Those who voted in the affirmative, were

Messrs. Chase and Whitman—2.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Conklin, Dennison, Dimmock, Dubbs, Emrie, Ewing,

Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Myers, Patterson, Scott, Swift, Worcester and Speaker—26.

So the motion was lost.

Mr. Goddard moved to recommit said resolutions to the standing committee on federal relations.

Mr. Archbold moved to amend the motion as follows:

With instructions not to report till after the 10th day of March.

The question being on the instructions,

Mr. Chase moved to lay the resolution, with the pending amendment, on the table.

Mr. Dennison demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott and Whitman—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Swift, Worcester and Speaker—15.

So the motion was lost.

The question then recurred on the instructions.

Mr. Lewis demanded the yeas and nays thereon, which were ordered, and resulted yeas 11, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Bennett, Burns, Byers, Chase, Dimmock, Emrie, Ewing, Patterson, Scott and Whitman—11.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Beaver, Blake, Blocksom, Conklin, Dennison, Dubbs, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Myers, Swift, Worcester and Speaker—18.

So the motion was lost.

The question then recurred on recommitting the resolution to the standing committee on federal relations.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 11, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Bennett, Corwin, Dubbs, Goddard, Hendricks, Horton, Myers, Patterson and Scott—11.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Byers, Dennison, Dimmock, Emrie, Ewing, Haines, Kendall, Lewis, Swift, Whitman, Worcester and Speaker—17.

So the motion was lost.

Mr. Dimmock moved to refer the resolutions to a select committee of three—Messrs. Swift, Goddard and Myers.

Mr. Ankeny moved the Senate take a recess.

Mr. Dennison demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Blocksom, Bennett, Burns, Byers, Dimmock, Dubbs, Emrie, Goddard, Haines, Hendricks, Horton, Myers, Patterson, Scott and Whitman—15.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blake, Chase, Conklin, Denison, Ewing, Kendall, Lewis, Swift, Worcester and Speaker—13.

So the Senate took a recess.

THREE O'CLOCK, P. M.

The question being on referring the resolutions to a select committee of three—Messrs. Swift, Goddard and Myers.

Mr. Blake moved a call of the Senate, which was ordered, and Messrs. Archbold, Swift, Whitman and Worcester were absent.

On motion of Mr. Ankeny,

All further proceedings under the call were dispensed with:

The question then recurred on referring the resolutions to a select committee of three,

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 4, nays 25, as follows:

Those who voted in the affirmative, were

Messrs. Conklin, Dimmock, Myers and Scott—4.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Bennett, Burns, Byers, Chase, Dennison, Dubbs, Emrie, Ewing, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Patterson, Swift, Whitman, Worcester and Speaker—25.

So the motion was lost.

The question being on the adoption of the resolutions,

Mr. Scott moved to add the following:

Resolved, That "without the sanction of law, slavery can no more exist in a territory, than a man can breathe without air."

Resolved, That "slaves are not property where they are not made so by the municipal law."

Mr. Beaver demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 16, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott and Whitman—14.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Denni-

son, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Worcester and Speaker—16.

So the motion was lost.

The question being on the adoption of the resolutions,

Mr. Myers offered the following as a substitute for said resolu

WHEREAS, Some of our sister States have deemed it proper to express through their legislative bodies their opinions in relation to the propriety of extending slavery into, or prohibiting it from the territories recently acquired from Mexico: And whereas, the State of Ohio through her Senators and Representatives in Congress is about being called upon to exercise her influence and power in the organization and government of said territories, and her citizens feel deep an interest in that subject as the citizens of any other State in the Union—Therefore, in order that expression may be given to those opinions, and her wishes upon that subject made known

Be it resolved by the General Assembly of the State of Ohio, while we fully recognize and appreciate the constitutional right of several States to establish, control and govern the relations of master and slave within their bounds, yet while so doing we do not under the Constitution of the Federal Government as conferring upon the right either to extend that power or to confer it upon their citizens to be exercised by them. This General Assembly recognizes no exclusive rights or peculiar privileges in relation to the territories of the Union as vested in any one portion of it. It holds them as alike open to all. They are open to the common enjoyment of every citizen of these United States, and the right of every citizen to that enjoyment can be neither limited or extended by the laws of any State or by the number of States of this confederacy.

State laws have established the relation of master and slave, and with those State laws let them remain without any interference on the part of the Federal Government; but this General Assembly solicits protests against the enactment of similar laws by Congress. The civilized world has pronounced sentence of condemnation against slavery, and we hold the decision to be just. And we further hold it to be the duty of Congress to absolve the Government of these United States from all connection with slavery and to abstain from the passage of laws creating or sustaining the relation of master and slave, but to establish, sustain, and enforce, all such laws and regulations as may be necessary to prevent the extension of slavery into free territory.

Resolved, That in the judgment of this General Assembly the interests and the honor of the American people demand that slavery should be forever excluded from the territories of New Mexico, California, and that the slave trade should be abolished in the District of Columbia; and we therefore call upon the Senators and Representatives of this State in Congress to use their best exertions for that purpose, and to carry out these resolutions.

Resolved, That the Governor be directed to transmit a copy of these resolutions to our Senators and Representatives in Congress.

Mr. Archbold called for a division of the question.

The question then turned on striking out.

The same gentleman demanded the yeas and nays, which were ordered and resulted—yeas 15, nays 15, as follows :

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott, Swift and Whitman—15.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Worcester and Speaker—15.

So the motion was lost.

Mr. Whitman moved to strike out all after the first resolution, and insert the following as a substitute:

Resolved, That we are opposed to the introduction of slavery into territories now free.

Resolved, That our Senators in Congress are instructed, and our Representatives are requested, to use all their exertions to abolish the slave trade within the District of Columbia.

The Speaker decided the motion out of order.

Mr. Chase appealed from the decision of the Speaker.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted yeas 7, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Conklin, Hendricks, Kendall, Lewis and Worcester—7.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Bennett, Blocksom, Burns, Byers, Chase, Dennison, Dimmock, Dubbs, Emrie, Ewing, Goddard, Haines, Horton, Myers, Patterson, Scott and Whitman—20.

So the decision of the Speaker was reversed.

The question being on the adoption of the resolutions,

Mr. Blake demanded a division of the question.

The question being on striking out,

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted yeas 12, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson and Whitman—12.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Byers, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Scott, Swift, Worcester and Speaker—15.

So the motion to strike out was lost.

Mr. Whitman offered the following as an amendment to the resolutions:

Resolved, That we are opposed to the introduction of slavery into territories now free.

Resolved, That our Senators in Congress are instructed, and our Representatives are requested, to use all their exertions to abolish the slave trade within the District of Columbia.

Mr. Blake called for a division.

The question being on the adoption of the first resolution,

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted yeas 14, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott, Swift and Whitman—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Byers, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Worcester and Speaker—16.

So the motion was lost.

The question then recurring on the adoption of the second resolution,

Mr. Beaver demanded the yeas and nays thereon, which were ordered and resulted yeas 11, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Chase, Dimmock, Dubbs, Emrie, Goddard, Myers, Patterson, Swift, Whitman and Speaker—11.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Conklin, Corwin, Dennison, Ewing, Haines, Hendricks, Horton, Kendall, Lewis, Scott, and Worcester—19.

So the second resolution was lost.

The question being on the adoption of the original resolution,

A division of the question was called for.

The Speaker decided that the resolutions should be put separately.

Mr. Whitman appealed from the decision of the Chair.

The question then being, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted yeas 13, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis and Worcester—13.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott, Swift and Whitman—15.

So the decision of the Chair was reversed.

The question then being on the adoption of the resolutions as amended.

Mr. Beaver demanded the yeas and nays thereon, which were ordered and resulted yeas 14, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Bennett, Conklin, Dennison, Dimmock, Hendricks, Horton, Lewis, Myers, Swift, Worcester and Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Ewing, Goddard, Haines, Kendall, Patterson, Scott and Whitman—15.

So the resolutions as amended were disagreed to.

On motion of Mr. Goddard,

The rules were suspended.

Mr. Archbold, from the standing committee on the Judiciary, to which had been referred a petition on the subject, reported the following bill:

S. No. 86; Allowing J. W. Baldwin, administrator of M. J. Gilbert deceased, late of Franklin county, to complete real estate contracts of intestate, and to partition or sell lands.

Mr. Ewing, from a select committee to which the subject had been referred, reported the following bill:

S. No. 87; To aid the Ohio and Mississippi Railroad Company.

Said bills were read the first time.

Mr. Emrie gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to authorize the commissioners of Highland county to subscribe to the capital stock of the Hillsborough and Cincinnati Railroad Company.

Mr. Ankeny gave notice that he would on to-morrow, or some subsequent day of the present session, ask leave to introduce a bill to amend the law, passed March 2, 1846 "to tax money Brokers."

Mr. Backus gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to incorporate the Cleveland Mutual Insurance Company.

Mr. Goddard gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to amend the act incorporating the Central Ohio Railroad Company.

Also, a bill to incorporate the Zanesville Gaslight Company.

Also, a bill to incorporate the Presbyterian Academy of Washington, Guernsey county.

The same gentleman, according to previous notice, introduced the following bill:

S. No. 88; To fix the times of holding the courts of Common Pleas in the 8th judicial circuit.

Read the first time.

Mr. Evans moved a reconsideration of the vote on adopting the report of the committee on New Counties.

On motion of Mr. Ankeny,

The motion to reconsider was laid on the table.

Mr. Ewing, from a select committee to which had been referred the petition of G. W. Neff, Esq., of Cincinnati, for amending charters of certain Insurance Companies in said city, reported the same back and recommended that it be referred to the standing committee on Corporations; which was agreed to.

Mr. Scott, according to previous notice, introduced the following bills:

S. No. 89; To incorporate the St. Marys and Wapaukonnetta Plank Road Company.

S. No. 90; To incorporate the St. Marys and Wilshire Plank Road Company.

Mr. Conklin, according to previous notice, introduced the following bill:

S. No. 91; Supplementary to the act to incorporate the Troy and Newton Turnpike Company.

Mr. Myers, according to previous notice, introduced the following bill:

S. No. 92; To amend the act incorporating the Toledo, Sandusky and Michigan City Railroad Company.

Mr. Emrie, from a select committee to which the subject had been referred, reported the following bill:

S. No. 93; To change the name of Elizabeth A. Degraw.

Said bills were severally read the first time.

Mr. Dubbs presented the abstracts of votes given at the general election, held in Hamilton county on the 10th day of October, 1848, for Governor, Congressmen, Senators, Representatives, &c., which were referred to the standing committee on Privileges and Elections.

On motion of Mr. Scott,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

SATURDAY, January 27, 1849.

Prayer by Rev. Mr. Finley.

Mr. Emrie presented the petition of Isabell Halliday and 26 other citizens of Hillsboro, for the passage of a law to authorize the commissioners of Highland county to subscribe to the capital stock of the Hillsboro and Cincinnati Railroad Company.

Referred to a select committee of one—Mr. Emrie.

The Speaker presented the petition of Hannah Morrison and others of Morgan and Monroe counties, for the repeal of all laws on account of color.

Referred to the select committee on that subject.

Mr. Chase presented the petition of John W. Erwin, Charles R. Smith and Oliver S. Witherby, praying for a charter to Hamilton Lodge No. 17, I. O. O. F.

Referred to a select committee of one—Mr. Chase.

Mr. Goddard, from the standing committee on Public Works and Public Lands, made the following report:

The committee on Public Works and Public Lands, to which was referred a joint resolution from the House of Representatives, requiring the Board of Public Works to report to the next General Assembly the value of the public works belonging to the state, the probable amount for which each will sell, and whether the interest of the state requires the abandonment of any, has had that subject under consideration and now reports.

In the opinion of the committee, the adoption of the resolution would impose upon the Board of Public Works much labor, which would not be compensated by the object to be attained. The value of the public works is not to be measured by the proportion which the revenue derived from tolls bears to the cost of construction. Owned by individuals, with unlimited power over the rates of transportation, (and it is not probable that purchasers could be found upon more favorable terms) that vast benefit to the people—access to market at a reasonable price—would be lost, and our produce would be subject to such charges as the interest or caprice of the owners of the canals might dictate.

The committee will not dwell upon the injurious disturbances of private capital which could, and probably would, follow the power possessed by the owners of canals to build up towns in some places, and to put them down in others, by discriminating tolls, &c.,—nor upon the many other evils which might result from a transfer of the public works to individuals, but will refer the Senate to a valuable report on this subject, made to this body Feb. 1, 1847, by Seabury Ford, Ira A. Bean and Alfred P. Edgerton, and which may be found in the appendix to the Senate Journal for 1846-7, page 309.

The committee recommends that the resolution be indefinitely postponed, and that the committee be discharged from the further consideration of the subject.

Mr. Archbold moved that said resolution and the report of the committee be referred to a select committee of three. Agreed to.

Messrs. Archbold, Backus and Swick were appointed said committee.

Mr. Dennison, from the standing committee on Corporations, introduced the following bills:

S. No. 94; A bill to amend an act entitled "an act to incorporate the Cincinnati Insurance Company," passed Feb. 7, 1829.

S. No. 95; A bill to amend an act entitled "an act to incorporate the Firemen's Insurance Company of Cincinnati," passed Feb 9, 1832.

S. No. 96; A bill to amend an act entitled "an act to incorporate the Washington Insurance Company of Cincinnati," passed March 14, 1836.

S. No. 97; A bill to amend an act entitled "an act to incorporate the Manufacturer's Insurance Company of Cincinnati," passed March 15, 1838.

Mr. Haines, from the select committee on that subject, introduced the following bill:

S. No. 98; A bill to incorporate the Malta and Putnam Plank Road Company.

Said bills were severally read the first time.

The following bills were read the second time; committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 85; Further to amend the act to provide for the internal improvement of the State of Ohio, by navigable canals.

H. No. 33; To change the name of John G. Backhaus to John G. Baker.

H. No. 34; To incorporate the Locust Street Wharf company of Gallipolis.

H. No. 40; Prescribing the times of holding the courts of common pleas, in the seventeenth judicial circuit.

H. No. 36; To incorporate the town of Malvern, in the county of Carroll.

H. No. 37; To amend the act to encourage the organization of fire companies, and repeal the former acts, passed February 8, 1847.

H. No. 39; To incorporate the London, Somerford and Mechanicsburg Turnpike.

H. No. 48; To authorize the sale of school sixteen section, in Harrison township, Gallia county.

S. No. 86; Allowing J. W. Baldwin, administrator of M. J. Gilbert, deceased, late of Franklin county, to complete real estate contracts of intestate, and to partition or sell lands.

S. No. 87; To aid the Ohio and Mississippi Railroad company.

S. No. 88; To fix the times of holding the courts of common pleas in the eighth Judicial circuit.

S. No. 89; To incorporate the St. Mary's and Wapakonetta Plank Road company.

S. No. 90; To incorporate the St. Mary's and Wilshire Plank Road company.

S. No. 91; Supplementary to the act to incorporate the Troy and Newton Turnpike company.

S. No. 92; To amend the act incorporating the Toledo, Sandusky and Michigan City Railroad company.

S. No. 93; To change the name of Elizabeth A. Degraw.

The following bills were severally read the third time and passed:

S. No. 17; To incorporate the Ohio Institute of Natural Sciences.
S. No. 20; To incorporate the Norwalk Plank Road company.
Ordered that the titles be as aforesaid.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bill, in which the concurrence of the Senate is requested:

H. No. 60; Making partial appropriations for the years 1848 and 1849.

Attest:

STANLEY MATTHEWS, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following resolution;
Joint resolution relative to the claim of George Riorden.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 43; To regulate the levying of a tax for road purposes, in the counties of Belmont and Ashtabula.

H. No. 69; To incorporate the town of Flushing, in Belmont county.

H. No. 74; Authorizing the city council of the city of Cincinnati, to borrow such sums of money as may be required for the improvement of the city water works.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 101; To compel mortgagees and others to enter satisfaction of mortgages within three months after the payment of mortgage money or satisfaction of the conditions of such mortgages.

H. No. 102; To reduce the tax on real estate.

H. No. 103; To incorporate the Northern Fire company of Cincinnati.

H. No. 104; To fix permanently the times of holding the courts of common pleas in the second Judicial circuit.

H. No. 105; To authorize county surveyors to take the acknowledgment of deeds.

H. No. 106; To amend the act for levying taxes on all property in this State, according to the true value, passed March 2, 1846,

H. No. 107; To extend the Monroeville Plank Road company, to Elyria in Lorain county.

H. No. 108; Further to amend the act entitled an act to regulate the practice of the judicial courts.

H. No. 109; To provide for the sale of school section sixteen, in the township of Blanchard, Hardin county, Ohio.

Attest:

STANLEY MATTHEWS, Clerks.

Mr. Goddard, in accordance with previous notice introduced the following bills:

S. No. 99; A bill to incorporate the Zanesville Gas Light company.

S. No. 100; A bill to amend the act to incorporate the Central Ohio Railroad company.

Mr. Ankeny, in accordance with previous notice, introduced the following bill:

S. No. 101; A bill to amend the law passed March 2d, 1846, to tax money brokers.

Mr. Backus, in accordance with previous notice, introduced the following bill:

S. No. 102; A bill to incorporate the Cleveland Mutual Insurance company.

Said bills were severally read the first time.

On motion of Mr. Dimmock.

S. No. 5; A bill to exempt a Homestead from forced sales in certain cases, with the pending amendment, was taken up, and referred to the standing committee on the Judiciary.

On motion of Mr. Worcester,

The committee of the whole were discharged from the further consideration of S. No. 52; A bill to amend an act entitled an act for the support and better regulation of common schools, in the city of Columbus, passed February 3, 1845, and the same was referred to a select committee of two—Messrs. Worcester and Denison.

On motion of Mr. Kendall,

The committee of the whole were discharged from the further consideration of S. No. 62; A bill to amend the act entitled an act prescribing the times of holding the courts of common pleas, in the seventeenth Judicial circuit, passed February 18, 1848.

The question then being on ordering the bill to be engrossed for a third reading, was agreed to.

Ordered that the bill be read the third time on Monday.

Mr. Chase gave notice that on to morrow or some subsequent day of the present term, he would introduce a bill to authorize the extension of the Junction Railroad, in the State of Indiana, to the town of Hamilton, in the State of Ohio.

On motion of Mr. Worcester,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of repealing so much of the 41st section of the act for the punishment of crimes, as provides that an executive pardon shall not release the convict to which it is granted from the costs of conviction, with instructions to report by bill or otherwise.

On motion of Mr. Ankeny,

The petitions presented to the Senate relative to the relief of John Devine, James M. Snyder and William Sharp were taken up, and the same were withdrawn for the purpose of being presented to the House of Representatives.

Mr. Burns offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the Superintendent of the Lunatic Asylum be, and he is hereby, directed and instructed to retain in said asylum Mrs. Lois Beach a pay patient from the county of Huron, upon the payment of said patient or her friends the sum of one dollar and fifty cents per week; and that an amount sufficient in addition to said sum, to pay the expenses of said patient while she remains in said asylum, be paid by the State of Ohio in the same manner that other patients are kept in said asylum, by the state.

Mr. Goddard moved to refer said resolution to the standing committee on the Judiciary. Agreed to.

Mr. Horton gave notice that he would on Monday or some subsequent day of the session ask leave to introduce a bill to incorporate the Trustees of the Pomeroy Academy, in Meigs county.

On motion of Mr. Archbold,

The Senate resolved itself into the committee of the whole Senate on the special order, S. No. 24; A bill concerning the powers and duties of the State Auditor, Mr. Backus in the chair, and after some time spent therein, rose, reported progress, and asked leave to sit again. Agreed to.

On motion of Mr. Goddard,

The Senate again resolved itself into committee of the whole, Mr. Burns in the chair, and after some time spent therein, rose and reported back the following bills, some with and some without amendment:

S. No. 32; Making William Leonidas Davidson the legal heir of William B. Maxey, deceased.

Referred to the standing committee on the Judiciary.

S. No. 33; Concerning writs of error in fact, with an amendment; which was agreed to.

Referred to the standing committee on the Judiciary.

S. No. 34; To amend the act relating to juries.

Referred to the standing committee on the Judiciary.

Mr. Goddard, in accordance with previous notice, introduced the following bill:

S. No. 103; A bill to incorporate the Miller Academy.

Said bill was read the first time.

Mr. Backus gave notice that on to-morrow or some subsequent day of the present session he would ask leave to introduce a bill further to amend an act dispensing with proof in certain cases, passed December 18, 1823.

On motion of Mr. Beaver,

The committee of the whole were discharged from the consideration of Senate bill No. 64; and the said bill was referred to a select committee of one—Mr. Beaver.

On motion of Mr. Dennison,
The Senate took a recess.

THREE O'CLOCK P. M.

A call of the Senate was ordered, and Messrs. Backus, Conklin, Dubbs, Ewing, Whitman and Worcester were absent.

On motion of Mr. Goddard,

All further proceedings under the call were dispensed with.

Mr. Myers gave notice that he would on to-morrow or some subsequent day of the present session introduce a bill to provide for the destruction of the Canada thistles and other noxious weeds on the banks of the canals, railroads, plank roads and turnpikes.

Mr. Emrie, from the select committee on that subject, introduced the following bill:

S. No. 104; A bill to authorize the commissioners of Highland county to subscribe to the capital stock of the Hillsboro' and Cincinnati Railroad company.

Said bill was read the first time.

Mr. Chase gave notice that on Monday or some subsequent day of the present session he would introduce a bill to grant the right of way to the Junction Railroad company, to construct their road to Hamilton, in Butler county, Ohio.

On motion of Mr. Archbold,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

MONDAY, JANUARY 29, 1849.

A call of the Senate was ordered, and Messrs. Backus, Beaver, Burns, Chase, Conklin, Dennison, Ewing, Hendricks, Horton, Myers and Whitman were absent.

On motion,

Messrs. Ewing and Chase were excused, owing to sickness.

On motion of Mr. Goddard,

All further proceedings under the call were dispensed with.

Mr. Scott presented the petition of A. M. Stark and 68 other citizens of Auglaize county, for a turnpike road, with power to change it to a plank or coal road from St. Marys to some point on the Madriver and Sandusky railroad.

Laid on the table.

Mr. Kendall presented the petition of 27 citizens of Scioto county,

to incorporate a company to construct a rail road from Portsmouth to Newark.

Laid on the table.

Mr. Archbold presented eight petitions from 180 citizens of Gallia county, for the election of Joseph W. Ross, Associate Judge of said county.

Laid on the table.

Mr. Myers presented the petition of John W. Smith and 34 other citizens of Lucas county, for the incorporation of a company to erect a bridge across the Maumee river from West Boundary street, Perrysburgh, and to repeal an amendment to another charter therein named.

Referred to the standing committee on the Judiciary.

Also, the petition of 44 citizens of Royalton township, Lucas county, for the new county of Fulton.

Referred to the standing committee on New Counties.

Mr. Blake, from the standing committee on Federal Relations, to which had been referred House joint resolutions relative to the postage law, reported the same back with one amendment, as follows:

Strike out "thirty," and insert "fifty," was agreed to.

Mr. Goddard demanded a division.

The question being on the adoption of the first clause of the first resolution, was agreed to.

The question then turned on the adoption of the second clause of the first resolution, (relative to the repeal of the law requiring newspapers to be pre-paid when sent by individuals,) and the second resolution.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 26, nays 5, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Bennett, Blake, Blocksom, Burns, Byers, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Ewing, Haines, Hendricks, Horton, Lewis, Myers, Patterson, Scott, Swift, Whitman, Wilson, Worcester and Speaker—26.

Those who voted in the negative, were

Messrs. Backus, Beaver, Goddard, Kendall and Vinal—5.

So the same was agreed to.

Mr. Corwin, from the standing committee on Corporations, to which was referred S. No. 14; A bill in addition to "an act in relation to incorporated religious societies," passed March 5th, 1836, reported the same back and recommended it be engrossed, agreed to.

Ordered, that the bill be read a third time to-morrow.

The same gentleman, from the same committee, to which was referred S. No. 28; To incorporate the Evangelical Lutheran St. John Congregation of Springfield, Clark county, Ohio, reported the same back and recommended it be engrossed.

Ordered, that the bill be read a third time to-morrow.

The same gentleman, from the same committee, to which was re-

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ferred S. No. 11 ; To incorporate the Springfield Female Seminary in the county of Clark, reported the same back with one amendment, as follows—agreed to.

Strike out all after the word "be," in second line sixth section, and insert, "executed by the president of the board and sealed with the corporate seal of the said Springfield Female Seminary."

And recommended the bill be engrossed—agreed to.

Ordered, that the bill be read a third time to-morrow.

Mr. Ewing, from the select committee to which the subject had been referred, introduced the following bill :

S. No. 105 ; A bill to incorporate the Marion Hall Building Company of Mount Healthy, Hamilton county, Ohio.

Said bill was read the first time.

Mr. Burns, from the select committee to which the petition of sundry citizens of Mahoning county in relation to the Ten Hour system, reported the same back and asked to be discharged from the further consideration of the subject—agreed to.

Mr. Worcester, from the select committee to which was referred S. No. 52 ; To amend an act entitled an act for the support and better regulation of Common Schools in the city of Columbus, passed February 3, 1845, reported the same back with sundry amendments, which were agreed to, as follows :

1. In the first section strike out all after the 13th line and insert,—
"in June, report to the county auditor of Franklin county an estimate of the sum needed in addition, and said auditor shall cause said sum to be levied upon the taxable property of said city, and the same shall be collected as other school taxes are or may be ; provided, however, said sum so reported shall not exceed one and a half mills on the dollar of the valuation of the taxable property of said city."

2. Strike out section 2.

3. At the end of the last section add,

"Provided, however, that this act shall not be construed as repealing or in any wise affecting an act passed February 24, 1848, providing for the education of black, mulatto and colored children."

Recommended that the bill be engrossed—agreed to.

Ordered, that the bill be read the third time to-morrow.

Mr. Dimmock, from the select committee to which was referred Senate resolution, relative to printing, made the following report :

(See Appendix, p. 331.)

And recommended the adoption of the following amendments in said Senate resolutions :

Strike out the words "shall deliver the orders of the Senate for printing to"—and insert,

"Is hereby directed to contract for printing ordered by the Senate, with," &c.

After the words "up to this day," insert "or in progress."

Mr. Hendricks, from the select committee to which was referred Senate resolution relative to printing, made the following report:

(See Appendix, p. 28.)

Mr. Whitman moved that the reports be laid upon the table to be printed.

A call of the Senate was ordered, all present except those who were excused.

On motion,

All further proceedings under the call were dispensed with.

The question then recurred on laying the reports on the table to be printed.

Mr. Goddard demanded a division.

The question was then on laying on the table.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott, Swift, Whitman, and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was lost.

The question then recurring on adopting the first amendment, to "strike out and insert,"

Mr. Goddard demanded a division of the question.

The question then was on striking out.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Myers, Patterson, Scott, Swift, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the motion was lost.

The question then being on agreeing to the second amendment, after the words "up to this day," insert "or in progress,"

Mr. Corwin demanded the yeas and nays thereon, which were ordered and resulted—yeas 27, nays 3, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Bennett, Burns, Byers, Chase, Conklin, Dennison, Dimmock, Dubbs, Emrie, Goddard, Haines, Hendricks, Kendall, Lewis, Myers, Patterson, Scott, Vinal, Whitman, Wilson, Worcester and Speaker—27.

Those who voted in the negative, were

Messrs. Backus, Corwin and Swift—3.

So the amendment was agreed to.

The question then being on the adoption of the resolutions as amended,

Mr. Backus moved a division of the question.

The Speaker decided the motion out of order, as decided by the Senate a few days previous.

Mr. Backus appealed from the decision of the chair.

The question being, "Shall the decision of the chair stand as the judgment of the Senate?"

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 8, nays 21, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Blocksom, Corwin, Scott, Whitman, Wilson and Worcester—8.

Those who voted in the negative, were

Messrs. Archbold, Backus, Bennett, Blake, Burns, Byers, Chase, Conklin, Dennison, Dimmock, Dubbs, Emrie, Goddard, Haines, Hendricks, Kendall, Lewis, Myers, Patterson, Swift and Vinal—21.

So the decision of the chair was reversed.

The question then recurred on the adoption of the first resolution.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Kendall, Lewis, Vinal, Worcester and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Myers, Patterson, Scott, Swift, Whitman and Wilson—15.

So the first resolution was disagreed to.

The question then being on agreeing to the second resolution,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 12, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Myers, Patterson, Scott, Wilson and Speaker—12.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Beaver, Bennett, Blake, Blocksom, Conk-

Kn, Corwin, Dennison, Goddard, Haines, Hendricks, Kendall, Lewis, Swift, Vinal, Whitman and Worcester—18.

So the second resolution was disagreed to.

Mr. Chase, on leave, presented the petition of George Webster, for an amendment of the law in relation to Notaries Public.

Referred to the standing committee on the Judiciary.

On motion of Mr. Bennett,

The Senate took a recess.

THREE O'CLOCK P. M.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day.

S. 94: To amend an act entitled an act to incorporate the Cincinnati Insurance Company, passed Feb. 7, 1839:

S. 95: To amend an act entitled an act to incorporate the Firemen's Insurance Company of Cincinnati, passed Jan. 9, 1832.

S. 96: To amend an act entitled an act to incorporate the Washington Insurance Company of Cincinnati, passed March 14, 1836.

S. 97: To amend an act entitled an act to incorporate the Manufacturers Insurance Company of Cincinnati, passed March 15, 1838.

S. 98: To incorporate the Malta & Putnam Plank Road Company.

S. 99: To incorporate the Zanesville Gas Light Company.

S. 100: To amend the act to incorporate the Central Ohio Railroad Company.

S. 101: To amend the law passed March 2, 1846, to tax money brokers.

S. 102: To incorporate the Cleveland Mutual Insurance Company.

H. 43: To regulate the levying of a tax for road purposes in the counties of Belmont and Ashtabula.

H. 60: Making partial appropriations for the years 1848 and 1849.

H. 67: To incorporate the town of Flushing, Belmont county.

H. 74: Authorizing the city council of the city of Cincinnati to borrow such sums of money as may be required for the improvement of the City Water Works.

S. 103: To incorporate the Miller Academy.

The following bill was read the third time and passed:

S. 62: To amend the act entitled "an act prescribing the times of holding the Courts of Common Pleas in the seventeenth judicial circuit," passed February 18, 1848.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. 46: To amend an act entitled "an act prescribing the times of holding the courts of common pleas in the twelfth judicial circuit," passed February 2, 1848.

H. 87: To amend an act entitled "an act prescribing the times of holding the courts of common pleas in the third judicial circuit," passed January 5th, 1848.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time.

H. 110: To incorporate the Columbia & New Richmond Turnpike and Bridge Company.

H. 111: Fixing the times of holding the courts of common pleas in the thirtieth judicial circuit.

H. 112: To incorporate the Union Bridge & Cincinnati Turnpike Road Company.

H. 113: To incorporate the town of Dalton, in Wayne county.

H. 114: To incorporate the town of St. Clairsville, Belmont county.

H. 115: To authorize the sale of school lands belonging to Tymochtee township, Wyandotte county.

H. 116: To incorporate the Erie Mutual Insurance Company.

H. 117: To amend the act to incorporate the Great Western Railroad Company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. 14: To amend an act for opening and regulating roads and highways, passed March 14, 1831, and the acts amendatory thereto.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. 118: Further to amend an act entitled "an act to establish a Commercial Hospital and Lunatic Asylum for the State of Ohio," passed January 22, 1821.

H. 119: To incorporate the Bellbrook & Beaver Creek Turnpike Road Company.

H. 120: To authorize the commissioners of Trumbull and Columbiana counties to ascertain the amount of taxes paid by townships included in the county of Mahoning, for poor house purposes; and also to levy a tax and refund the same back to the treasurer of Mahoning county.

H. 121: To incorporate the Little Miami Bridge Company.

H. 122: To authorize the courts of common pleas to remit fines in certain cases.

H. 123: To amend the act passed March 5, 1842, entitled "an act to regulate the mode of collecting debts against turnpike companies in which the State is a stockholder, and to authorize the companies to appropriate their portion of the tolls for the completion of the roads and for other purposes, and the several acts amendatory thereof.

H. 124: To amend an act entitled "an act relative to dewer."

H. 125: To amend the act entitled "an act to incorporate the New Baltimore & New Haven Turnpike and Bridge Company," passed February 8, 1847.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled resolutions:

Relative to the claim of N. A. Hanna & Co.

Relative to the postage of members, clerks, and sergeants-at-arms of the General Assembly.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Beaver,

The constitutional rule was dispensed with, and House bill No. 87: To amend an act entitled "an act prescribing the times of holding the courts of common pleas in the third judicial circuit," passed January 5, 1848, was read the second and third time and passed.

Ordered that the title be as aforesaid.

On motion of Mr. Kendall,

Resolved, That the Board of Public Works be requested to send to the Senate the papers on file in their office in relation to the claim of Wm. Green, asking for the refunding certain tolls paid by him on the Ohio canal.

On motion of Mr. Patterson,

Resolved, That the Auditor of State be required at as early day as practicable, to report to this Senate the amount of fees or salary paid Messrs. Nash, Marsh and Adams, each individually, the amount of travelling expenses allowed to each, and amount of fees, costs, travelling expenses, printing and every other expense growing out of the investigation of the National road. Also, all cost and expenses of whatever nature, which accrued against the State in the case of the State of Ohio vs. John Yontz, late resilient engineer of the National road.

Resolved, That Henry Stanbery, Esq., Attorney General of the State of Ohio, be required to report to this Senate, with as little delay as possible, the amount collected or in judgments in all suits brought by Simeon Nash or himself, against supposed defaulting agents or officers of this State, or other individuals where the State of Ohio was plaintiff and that he report the amount from each separately, together with the cost of each suit.

On motion of Mr. Myers,

The petitions of citizens of Lucas county, for a law incorporating a company to construct a bridge across the Maumee river at Toledo, were taken up.

Referred to the standing committee on the Judiciary.

Mr. Blake offered for adoption the following:

Resolved, By the General Assembly of the State of Ohio, that the existence of slavery in this Union, is a great moral and political evil which deeply affects the interests of the whole country, every constitutional effort should therefore be made for its extinction.

Resolved, That the Representatives and Senators from this State in the Congress of the United States, be requested to use every honorable exertion to prevent the existence of slavery in the territory recently acquired from Mexico, and to abolish slavery and the slave trade in the district of Columbia, and wherever congress possesses the constitutional power to legislate on the subject.

Resolved, That the Governor be requested to furnish copies of the foregoing resolutions to each of the Representatives and Senators in congress from this State.

On motion of Mr. Goddard,

The resolutions were laid on the table.

On motion of the same gentleman,

The committee of the whole were discharged from the further consideration of S. No. 88; To fix the times of holding the courts of common pleas in the eighth judicial circuit, and the bill was referred to a select committee of one—Mr. Goddard.

Mr. Corwin, from the select committee on that subject, introduced the following bill:

S. No. 106; A bill to authorize the directors of school district No. 13, in Jefferson township, Fayette county, Ohio, to sell and convey certain real estate.

Said bill was read the first time.

On motion of Mr. Blake,

Resolved, That the standing committee on the judiciary be instructed to inquire into the expediency of providing by law, for proving book or other accounts, so that the plaintiff may be permitted to file his affidavit with the court before whom the suit is brought, that the account is just, &c., &c. and let that affidavit put the account on the same standing as a note of hand. Also, to inquire into the expediency of so amending the law in relation to divorces, as to authorize the court of common pleas to grant bills of divorce "*A mensa et thoro*," and report by bill or otherwise.

On motion of Mr. Archbold,

The Senate resolved itself into the committee of the whole, on the special order of S. No. 24; Concerning the powers and duties of the Auditor of State, and after some time spent therein, arose and reported progress and asked leave to sit again. Agreed to.

On motion of Mr. Ankeny,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

TUESDAY, JANUARY 30, 1849.

Prayer by the Rev. Mr. Crum.

Mr. Kendall presented 5 petitions from 180 citizens of Gallia county, for the election of Joseph W. Ross, an associate judge of said county.

Laid on the table.

Mr. Myers presented the remonstrance of 33 citizens of Lucas county, against dividing the stock and roads of the Toledo Plank Road company.

Also the petition of 34 citizens of Lucas county, for an amendment to the charter of the Toledo Plank Road company.

Said petitions were laid on the table.

Also the petition of 40 citizens of Henry county, for the erection of a new county, with such boundaries as therein stated, and against the new county of Fulton.

Referred to the standing committee on new counties.

Mr. Ewing presented the petition of sundry citizens of Cincinnati, in favor of allowing the city council of Cincinnati, to subscribe to the capital stock of the Ohio and Mississippi Railroad.

Laid on the table.

Mr. Whitman, from the standing committee on schools & school lands, to which was referred the petition of John Noble and 90 others, of Columbiana county, for an amendment of the law relating to the collection of school bills, reported the same back and asked to be discharged from the further consideration of the subject. Agreed to.

Mr. Deanison, from the standing committee on corporations, introduced the following bill:

S. No. 107; A bill to incorporate the Toledo Lodge No. 144, of Free and accepted Masons, in the county of Lucas.

Mr. Myers, from the standing committee on roads and highways, introduced the following bill:

S. No. 108; A bill regulating the time of performing labor on Roads and Highways.

Said bills were severally read the first time.

Mr. Vinal, from the standing committee on enrollment, made the following report:

The standing committee on enrollment report that they have examined the act prescribing the times of holding the courts of common pleas, in the twelfth judicial circuit, and find the same to be correctly enrolled.

Mr. Haines, from the select committee on that subject, introduced the following bill:

S. No. 109; A bill to lay out and establish a graded state road in the counties of Washington and Morgan.

Said bill was read the first time.

Mr. Goddard, from the select committee to which was referred S. No. 88; Prescribing the times of holding the courts of common pleas

in the eighth judicial circuit, reported the same back with the following amendments, which were agreed to, and the bill was ordered to be engrossed:

1st Amendment: Strike out "ninth" after July, and insert "sixteenth."

2d Amendment: Strike out "twenty-third" after July, and insert "thirtieth."

Ordered that the bill be read a third time to-morrow.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 105; To incorporate the Marion Hall Building company, of Mt. Healthy, Hamilton county, Ohio.

H. No. 141; To amend an act for opening and regulating roads and highways, passed March 14, 1831, and the acts amendatory thereto.

S. No. 106; To authorize the directors of school district No. 13, in Jefferson township, Fayette county, Ohio, to sell and convey certain real estate.

The following bills were read a third time and passed:

S. No. 11; To incorporate the Springfield Female Seminary, in the county of Clark.

S. No. 14; In addition to an act in relation to incorporated Religious Societies, passed March 5, 1836.

S. No. 28; To incorporate the Evangelical Lutheran St. John's Congregation of Springfield, Clark county, Ohio.

Ordered that the titles be as aforesaid.

The following bill was read the third time and recommitted to a select committee of one—Mr. Dennison:

S. No. 52; To amend an act entitled "an act for the support and better regulation of common schools in the city of Columbus," passed February 3, 1845.

On motion of Mr. Dennison,

The report of the commissioners on the new State House was taken up and referred to a select committee of one—Mr. Dennison.

Mr. Worcester gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to repeal so much of the 6th section of the act of Jan. 22, 1848, as requires the auditor of each county to assess the road tax determined on by the county commissioners upon the county duplicate of property for the current year.

Mr. Corwin gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to fix the times of holding the court of common pleas for the seventh judicial circuit.

On motion of Mr. Conklin,

The committee of the whole was discharged from the further consideration of H. No. 40, prescribing the times of holding the courts of common pleas in the sixteenth judicial circuit.

The bill was referred to a select committee of two—Messrs. Conklin and Scott.

Mr. Goddard gave notice that on to-morrow, or some subsequent day of the session, he "would ask leave to introduce a bill to amend

the act to authorize Muskingum county and the town of Zanesville to subscribe to the capital stock of the Central Ohio Railroad.

On motion of Mr. Archbold,

The Senate resolved itself into the committee of the whole on the orders of the day, on special order, S. No. 24, concerning the powers and duties of the State Auditor, and after some time spent therein the committee rose and reported the bill back without an amendment.

On motion of Mr. Backus,

The bill was referred to the standing committee on the Judiciary.

On motion of Mr. Whitman,

The Senate took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Burns,

Resolved, That the Auditor of State be and he is hereby required to communicate to this Senate, at his earliest convenience, the following information:

1. The name of the persons who have been appointed by him in conjunction with the Treasurer and Secretary of State, between the first of January, 1848, and the 20th day of January, 1849, in pursuance of the provisions of the 9th section of the act entitled "an act to prohibit unauthorized banking and the circulation of unauthorized bank paper," passed March 12, 1845, together with the name of the bank assigned to each person so appointed.

2. Full and accurate copies of all reports made by the agents aforesaid of the following banks, to wit: Bank of Circleville, Clinton Bank of Columbus, Lafayette Bank of Cincinnati, Bank of Massillon, Bank of Wooster, and the Ohio Life Insurance and Trust Company."

3. Full and accurate copies of all statements made out by said banks and returned to his office within the time above specified, in accordance with the 59th section of the act incorporating the State Bank of Ohio and other banking companies.

4. If any of said agents so appointed has failed to make report, or if any of said banking companies have failed to make a statement, as required by said acts, that he give the name of such delinquent agent or company.

On motion of Mr. Goddard,

The Senate resolved itself into committee of the whole on the orders of the day, (Mr. Beaver in the chair,) and after some time spent therein, rose and reported the following bills, some with and some without amendment:

S. No. 35; Authorizing the town council of Akron to levy a tax to liquidate the debts due from said town.

Ordered that the bill be engrossed and read a third time to-morrow.

S. No. 36; To amend the acts relating to the collection of taxes in the city of Toledo.

Referred to the standing committee on Finance.

S. No. 37; Prescribing the times of holding the supreme court.

Mr. Archbold moved to recommit the bill to the standing committee on the Judiciary.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 13, nays 13, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burnas, Byers, Dimmock, Dubbs, Emrie, Ewing, Myers, Scott, Whitman and Wilson—13.

Those who voted in the negative were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Kendall, Vinal, Worcester and Speaker—13.

So the motion was lost.

On motion of Mr. Archbold,

The bill was recommitted to a select committee of two—Messrs. Archbold and Goddard.

S. No. 38. To authorize the town council of Sidney to subscribe to the capital stock of the Sidney and Wapaukonnetta Turnpike Road Company.

Referred to a select committee of one—Mr. Conklin.

On motion of Mr. Goddard,

The vote on the engrossment of S. No. 38, to fix the times of holding the courts of common pleas in the eighth judicial circuit, was reconsidered.

On motion of the same gentleman,

The vote on the adoption of the amendment to said bill was reconsidered, and the amendment withdrawn.

The same gentleman moved to amend the bill by striking out the word "second," in the fourth line of the third section, and inserting "third;" which was agreed to.

On motion,

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Ewing gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to amend the act incorporating the city of Cincinnati, passed March 1, 1834.

On motion of Mr. Scott,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

WEDNESDAY, JANUARY 31, 1849.

Mr. Backus presented the petition of Benjamin Rouse and 164 others, of Cleveland, for the exemption from forced sale of a homestead of the value of \$1000.

Referred to the standing committee on the Judiciary.

Also, the petition of the Mayor and council, and 65 others, citizens of Cleveland, that power may be conferred on the city council to subscribe \$100,000 to the stock of the Cleveland and Pittsburg Railroad.

Referred to a select committee of one—Mr. Backus.

Mr. Dimmock presented the petition of B. G. Wright, John Dunham, R. H. Miller, and 400 other citizens of Belmont county, for homestead exemption and restriction of land monopoly.

Referred to the standing committee on the Judiciary.

Mr. Myers presented two petitions from 98 citizens of Clinton and Pike townships, Lucas county, for the erection of the new county of Fulton.

Referred to the committee on New Counties.

Mr. Blocksom, from the standing committee on Railroads and Turnpikes, to which was referred Senate bill No. 30, to amend the charter of the Huron and Oxford Railroad Company, have had the same under consideration and report the same back with the following amendments, which were agreed to:

Sec. 1, line 10, strike out the word "past" and insert the word "beyond."

Sec. 1, line 10, after the word "specified" insert the words "for those purposes."

Add to sec. 3: The legislature may alter, amend, or repeal this act at any time after the expiration of thirty years from the date of its passage.

The bill was ordered to be engrossed and read the third time to-morrow.

The following bills were read a second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 107; To incorporate the Toledo Lodge, No. 144, of Free and Accepted Masons, in the county of Lucas.

S. No. 108; Regulating the time of performing labor on Roads and Highways.

S. No. 109; To lay out and establish a graded State Road in the counties of Washington and Morgan.

The following bills were read the third time and passed:

S. No. 35; Authorizing the town council of Akron to levy a tax to liquidate the debts due from said town.

S. No. 88; To fix the times for holding the courts of common pleas in the eighth judicial circuit.

Ordered that the titles be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendment to House joint resolution relative to the postage law.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 126; To amend the act entitled an act directing the mode of trial in criminal cases, passed March 7, 1831.

H. No. 127; To amend the act entitled an act concerning bail in criminal cases, passed March 3, 1834.

H. No. 128; To amend an act entitled an act to allow juries before Justices of the Peace, passed February 14, 1840.

H. No. 129; To reduce the price of the state canal lands, and to confine the sale thereof in tracts not exceeding one hundred and sixty acres to actual settlers.

H. No. 130; To fix and apportion the representation of the General Assembly of the State of Ohio.

H. No. 131; For the relief of sureties, and for other purposes.

H. No. 132; To authorize county commissioners to allow guard fees in certain cases.

H. No. 133; To amend an act entitled an act to institute proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and regulating corporations generally.

H. No. 134; To amend an act entitled an act for the improvement and repair of the Cincinnati and Carthage road, and for other purposes, passed February 4, 1848.

H. No. 135; Concerning the interest of money.

H. No. 136; To incorporate the Oxford Female Institute, at the town of Oxford, in the county of Butler.

H. No. 137; For the support and better regulation of common schools in district No. 4, in Washington township, Preble county, in this state.

H. No. 138; To incorporate the Lewisburgh and Liberty Corner Turnpike Road company.

H. No. 139; To regulate a certain school district in the township of Orwell, Ashtabula county.

H. No. 140; To extend the time of payment for school section sixteen, in Springfield township, Lucas county.

H. No. 141; To amend an act entitled an act providing an adequate compensation for the Judges of the Supreme Court, the President Judges of the Courts of Common Pleas, and the Judge of the Superior Court of Cincinnati, passed January 27, 1848.

H. No. 142; To revive certain acts therein named.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The following bills have been introduced into the House, and read the first time:

H. No. 143; To erect the new county of Cumberland.

H. No. 144; To authorize the sale of school section sixteen, Plain township, Wood county.

H. No. 145; To extend the charter of the Perrysburgh Canal and Hydraulic company.

The House has also passed the following bill:

H. No. 52; To authorize the establishment of separate schools for the education of colored children, and for other purposes.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

On motion of Mr. Dimmock,

Resolved, That the Secretary of State be requested to inform this Senate, as soon as practicable, how much printing paper he now has in his possession—how much he has delivered to Charles Scott—at what time he delivered it, and the then existing necessity for such delivery.

Mr. Blake offered for adoption the following:

Resolved, That the standing committee on Retrenchment be instructed to examine into the expediency of increasing the compensation of Judges, and report by bill or otherwise.

Mr. Ewing moved to lay the resolution on the table.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted, yeas 13, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Ewing, Myers, Scott, Swift, Whitman and Worcester—13.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Beaver, Blake, Corwin, Dennison, Goddard, Haines, Hendricks, Kendall, Vinal, Wilson, and Speaker—13.

So the motion was lost.

Said resolution was then referred to the standing committee on Retrenchment.

Mr. Wilson give notice that on to-morrow or some subsequent day of the session he would ask leave to introduce a bill to authorize the sale of section sixteen in Liberty township, Seneca county.

Mr. Dubbs gave notice that on to-morrow or some subsequent day of the session he would ask leave to introduce a bill to revive the fourth section of a certain act therein named.

Mr. Corwin, in accordance with previous notice, introduced the following bill:

S. No. 110. A bill fixing the times of holding the Court of Common Pleas in the seventh judicial circuit.

Said bill was read the first time

On motion of Mr. Corwin,

The constitutional rule was dispensed with, and the bill was the second time and committed to a select committee of one Corwin.

Mr. Ewing, in accordance with previous notice, introduced the following bill:

S. No. 111; A bill further to amend the act incorporating the City of Cincinnati, passed March 1, 1834.

Said bill was read the first time

On motion of Mr. Gooddard,

The Senate resolved itself into the committee of the whole on orders of the day, Mr. Byers in the chair, and after some time therein, rose and reported back the following bills, some with and without amendments:

S. No. 40; To incorporate the City Insurance Company of Cincinnati, with one amendment.

Which was agreed to.

Referred to the standing committee on Corporations.

S. No. 43; To repeal an act entitled an act to incorporate the City of Norwalk, with one amendment.

The committee reported progress and asked leave to sit again. Agreed to.

On motion of Mr. Bennett,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Backus, in accordance with previous notice, introduced the following bill:

S. No. 112; A bill further to amend an act to dispense with the jury in certain cases, passed December 18, 1823.

The same gentleman, from the select committee on the subject, introduced the following bill:

S. No. 113; A bill authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland and Pittsburgh Railroad company.

Said bills were severally read the first time.

The Speaker laid before the Senate the special report of the Board of Public Works relative to the claim of William Green.

(See Vol. Pub. Doc.)

Referred to the standing committee on Claims.

Also, the special report of the Attorney General, in accordance with a resolution of the Senate relative to the amount collected

judgment, in all suits brought by Simeon Nash or the Attorney General.

(See Vol. Pub. Doc.)

Mr. Chase, in accordance with previous notice, introduced the following bill:

S. No. 114; A bill granting the right of way to the Junction Railroad company and extending its privileges.

Mr. Worcester, in accordance with previous notice, introduced the following bill:

S. No. 115; A bill to repeal a part of the 6th section of the act of January 22, 1848.

Said bills were severally read the first time.

The Speaker laid before the Senate the special report of the Superintendent of the Ohio Lunatic Asylum in relation to the resolution of the Senate on the 16th inst.

(See Appendix p. 291.)

Referred to the committee on Benevolent Institutions.

On motion of Mr. Goddard,

The Senate resolved itself into committee of the whole on the special order, S. No. 43, to repeal an act entitled an act to incorporate the Bank of Norwalk, Mr. Byers in the chair, rose and reported the bill to the Senate, with amendments, which were agreed to.

Mr. Beaver moved to amend the bill as follows, which was agreed to:

Strike out of section 4, in first line, the words—"or any two of them."

Strike out section 6 and insert—

Sec. 6. That at the instance of any creditor of said institution, and upon petition or bill and affidavit, setting forth or charging that the security given under this act, is in failing circumstances, or the security or bond of insufficient amount; or whenever any creditor of said bank, or other person entitled to distribution of the assets, shall complain of mismanagement of the funds of said bank, the court of common pleas of the county or counties in which the said commissioners may reside or be respectively at the time of complaint, or of the county where they or any one of them may keep the principal office of said institution, may file his or her petition, bill or complaint, and the court may upon the hearing of such petition, bill or complaint, order such further security, dismiss all or any of said commissioners, and order from them distribution of the assets. The court may also order and control the said commissioners in all respects, as courts of chancery can or may do in cases of trusts and trustees,

On motion of Mr. Burns,

The blank in the resolution was filled with the name of "Samuel J. Kirkwood."

The question being on the engrossment of the bill,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Ewing, Myers, Scott, Whitman and Wilson—13.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Kendall, Swift, Vinal, Worcester and Speaker—15.

So the Senate refused to engross said bill.

On motion of Mr. Ankeny,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

THURSDAY, FEBRUARY 1, 1849.

Prayer by Rev. Dr. Hoge.

Mr. Claypool presented the petition of John I. Van Meter and 17 other citizens of Pike county, for a charter to construct a railroad from Portsmouth to Newark.

Laid on the table.

Also, the petition of Thomas Barns and 45 other citizens, for a law authorizing the passage of a law for the Board of Public Works to place a lock in the feeder dam below Chillicothe, of sufficient size to pass steam boats.

Referred to the committee on Public Works and Public Lands.

Mr. Vinal presented two petitions from V. Allen, William Morris and 55 other citizens of Madison county, for a law to construct a turnpike road from London, Madison county, through Midway to Bloomingburg, Fayette county, &c.

Laid on the table.

Mr. Dubbs presented the petition of 170 citizens of Cincinnati, for an equitable arrangement of the Commercial Hospital between the different medical schools of the city.

Referred to the committee on Medical Societies and Colleges.

Mr. Worcester presented the petition of the Madriver and Lake Erie Railroad company, for the allowance of certain claims against the State.

Referred to the committee on claims.

Mr. Burns presented the petition of 740 citizens of Richland county, for the election of D. McCulloch an Associate Judge of said county.

Also, the petition of 614 citizens of the same county, for the election of E. Chew an Associate Judge.

Also, the petition of 233 citizens of the same county, for the election of W. Bushnell an Associate Judge.

Also, the petition of 170 citizens of the same county, for the election of J. H. Culbertson an Associate Judge.

Also, the petition of 125 citizens of the same county, for the election of Hugh Gamble an Associate Judge.

Also, the petition of 91 citizens of the same county, for the election of Samuel Linn an Associate Judge.

Also, the petition of 9 citizens of the same county, for the election of F. Andrews an Associate Judge.

The petitions were laid on the table.

Mr. Dimmock presented the petition of Henry Ream, George Richardson, Samuel Burger and 225 other citizens of Bucks and Sugar Creek township, in Tuscarawas county, remonstrating against any dismemberment of said county for the purpose of erecting the new county of Walhonding.

Laid on the table.

Mr. Emrie presented the petition of James A. Trimble and 43 other citizens of Highland county, and stockholders in the Milford and Chillicothe and Ripley and Hillsborough turnpike road companies, praying for amendments to the charters of said companies, to enable them to finish said roads by planking them.

Referred to a select committee of one—Mr. Emrie.

Mr. Beaver presented the memorial of L. J. Iddings and others, for the incorporation of a company to make a plank road from Warren to Lake Erie.

Referred to a select committee of one—Mr. Beaver.

Mr. Kendall presented the petition of 47 citizens of Lawrence county, for a law granting power to the Commissioners appointed to lay out a State road in the counties of Scioto and Lawrence, to make their final report.

Referred to the committee on Roads and Highways.

Mr. Corwin presented the petition of A. M. McCoy and 13 other citizens of Fayette county, for the repeal of all laws licensing the sale of intoxicating drinks, &c.

Referred to the committee on the Judiciary.

Mr. Beaver, from the select committee on the subject, introduced the following bill:

S. No. 116; A bill to incorporate the Warren and Lake Erie Road company.

Said bill was read the first time.

Mr. Worcester, from the select committee on the subject of the Western Reserve lands, made the following report, which agreed to.

[*See Appendix, p. 145.*]

The same committee also reported the following preamble and resolution, which was agreed to:

WHEREAS, Under the act of Congress of June 19, 1834, then now due to the State of Ohio for the support of schools upon the Western Reserve, 8,354 acres of land, as a portion of grant made by the act aforesaid, therefore,

Be it resolved by the General Assembly of the State of Ohio, the Governor be requested, at his earliest convenience, to take measures as in his discretion he shall deem proper, for the speedy settlement of said claim, and for the securing to the State the lands due under the grant.

The same committee also introduced the following bill:

S. No. 117; To provide for the sale of the Western Reserve lands.

Said bill was read the first time.

The following bill was read the second time, committed to a committee of the whole Senate, and made the order of the day for day:

H. No. 52; To authorize the establishment of separate schools for the education of colored children, and for other purposes.

S. No. 110; Fixing the times of holding the court of common pleas in the 7th judicial circuit.

S. No. 111; Further to amend the act incorporating the city of Cincinnati, passed March 1, 1834.

S. No. 112; Further to amend the act dispensing with proof in certain cases, passed December 18, 1843.

S. No. 113; Authorizing the city of Cleveland to subscribe to capital stock of the Cleveland and Pittsburgh Railroad company.

S. No. 114; Granting the right of way to the Junction Railroad company, and extending its privileges.

S. No. 115; To repeal a part of the 6th section of the act of January 22, 1848.

The following bill was read the third time and passed:

S. No. 30; To amend the charter of the Huron and Oxford Railroad company.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 25; To amend an act to incorporate the Farmer's Mutual Fire Insurance company of Medina county.

H. No. 46; To appoint Commissioners to lay out and establish a State road in the counties of Meigs, Gallia and Jackson.

H. No. 47; To amend the act incorporating the Colerain, Oxford and Brookville Turnpike company.

H. No. 49; To incorporate the town of Bryan, in the county of Williams.

H. No. 50; To authorize the Commissioners of Van Wert county to borrow money for certain purposes.

H. No. 51; To incorporate the Otterbien University in Westerville, Franklin county, O.

Senate 15; To incorporate the Rossville and Millville Turnpike Road company.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 146; To amend an act entitled an act for the incorporation of townships, passed March 5, 1831.

H. No. 147; To amend the act prescribing the times of holding the courts of common pleas in the 14th judicial circuit, passed February 2, 1848.

H. No. 148; To incorporate the Columbus, Piqua and Indiana Railroad company.

H. No. 149; To repeal an act entitled an act to lay out and establish the Mt. Vernon, Bennington and Delaware free turnpike road, passed February 25, 1848.

H. No. 150; To impose an additional tax for the improvement of the Maumee and Angola road.

H. No. 151; To incorporate the Cincinnati Institute.

H. No. 152; To amend an act passed February 8, 1847, entitled an act accepting the charter and franchises of the first range turnpike company in Ashtabula county, and declaring their said road a free turnpike road.

H. 153; To incorporate Troy Lodge No. 43 of the Independent Order of Odd Fellows.

H. No. 154; To repeal the act establishing a turnpike gate in the town of Fulton, Hamilton county, and for other purposes.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Vinal,

The committee of the whole was discharged from the further consideration of H. No. 4, To incorporate the London, Midway and Washington turnpike company.

Also, H. No. 39; To incorporate the London, Sommerford and Mechanicsburg turnpike company.

Said bills were severally referred to the standing committee on railroads and turnpikes.

Mr. Vinal offered the following resolution:

Resolved, That hereafter, when the Senate adjourn, it be to meet at half past 9 o'clock A. M.; and when it takes a recess, it be to meet at half past 2 o'clock P. M., until otherwise provided.

Mr. Blake moved to lay the resolution on the table.

Mr. Ewing demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Corwin, Dubbs, Emrie, Ewing, Graham, Hendricks, Kendall, Patterson, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Claypool, Conklin, Dennison, Dimmock, Goddard, Haines, Lewis, Myers, Swift, Vinal, Worcester and Speaker—13.

So the resolution was laid on the table.

On motion of Mr. Goddard,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Blake in the chair, and after some time spent therein, rose and reported the following bills, some with and some without amendments:

H. No. 60; Making partial appropriations for the year 1848 and 1849.

Mr. Blake moved to refer the bill to the standing committee on finance.

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Kendall, Lewis, Vinal, Worcester and Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott, Swift, Whitman and Wilson—14.

So the motion was lost.

Mr. Wilson moved a call of the Senate, which was ordered, and

Messrs. Archbold, Chase, Evans, Graham, Haines, Horton and Judy were absent.

On motion,

Messrs. Chase, Evans, Horton and Judy were excused.

On motion of Mr. Goddard,

All further proceedings under the call were dispensed with.

The question being on ordering the bill to be read the third time,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Hendricks, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the motion was lost.

Mr. Burns moved to reconsider the vote just taken.

Mr. Scott moved to lay the motion on the table.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Hendricks, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the motion was lost.

Mr. Burns moved the postponement of his motion until Saturday next.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Hendricks, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the motion was lost.

Mr. Burns asked leave to withdraw his motion to reconsider.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was lost.

The question being on the reconsideration of the vote.

On motion of Mr. Claypool,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on reconsidering the vote on H. No. 60; Making partial appropriations for the years 1848 and 1849; was agreed to.

On motion of Mr. Brewer,

The bill was laid on the table.

H. No. 3; To amend an act passed January 28, 1848, entitled an act to incorporate the Lorain plank road company.

Ordered to be read a third time tomorrow.

H. No. 2; To incorporate the Judson College at Jefferson, in the county of Harrison.

Referred to the standing committee on Universities, Colleges and Academies.

H. No. 5; To incorporate the town of Patriot, in the county of Gallia.

Postponed until the first Monday in December next.

H. No. 6; To incorporate the town of Carlisle in the county of Monroe.

Referred to the standing committee on Corporations.

H. No. 7; To establish a free turnpike road from Springfield to Ridgeville, in Warren county.

Referred to the standing committee on Railroads and Turnpikes.

H. No. 13; To incorporate the Ashtabula and Central plank road company, with amendments, which were agreed to.

Referred to the standing committee on Railroad and Turnpikes.

H. No. 14; To amend an act for opening and regulating roads and highways, passed March 14th, 1831, and the acts amendatory thereto.

Referred to the standing committee on Roads and Highways.

H. No. 15; To authorize the sale of school section sixteen in Richland township, Wyandott county.

H. No. 16; To authorize the sale of school section sixteen in Salem township, Wyandott county, Ohio.

H. No. 18; To provide for the sale of the northwest quarter of sec-

tion sixteen, of the original survey of township 9, range 4, in the Steubenville District, now in Green township, Harrison county.

Severally referred to the standing committee on Schools and School Lands.

H. No. 19; To extend the corporate limits of the town of Germantown.

H. No. 20; To incorporate the town of Farmersville, in the county of Montgomery.

H. No. 26; To incorporate the town of Morrow, in the county of Warren.

Severally referred to the standing committee on Corporations.

H. No. 33; To change the name of John G. Backhaus, of the county of Montgomery.

Referred to the standing committee on the Judiciary.

H. No. 34; To incorporate the Locust Street Wharf Company of Gallipolis.

H. No. 36; To incorporate the town of Malvern, in the county of Carroll.

H. No. 37; To amend the act to encourage the organization of fire companies and to repeal former acts; passed February 8, 1847.

Severally referred to the standing committee on Corporations.

H. No. 43; To regulate the levying of a tax for road purposes, in the counties of Belmont and Ashtabula.

Referred to a select committee of one, Mr. Lewis.

H. No. 48; To authorize the sale of school section sixteen in Harrison township, Gallia county.

Referred to the standing committee on Schools and School lands.

H. No. 52; To authorize the establishment of separate schools for the education of colored children and for other purposes, with one amendment, as follows:

Insert in the ninth line of the sixth section, "Excepting so far as such laws prohibit the admission of colored children into our common schools."

The question being on the adoption of the amendment,

Mr. Whitman moved a call of the Senate, which was ordered and Messrs. Chase, Evans, Horton and Judy were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The question then being on the amendment,

Mr. Archbold moved to refer the bill and pending amendment to the standing committee on the Judiciary.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 21, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Bennett, Blake, Burns, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Ewing, Goddard, Graham, Haines, Hendricks, Lewis, Patterson, Vinal, Wilson and Worcester—21.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Blocksom, Byers, Dimmock, Emrie, Kendall, Myers, Scott, Swift, Whitman and Speaker—12.

So the motion was agreed to.

Mr. Hendricks gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act entitled an act to incorporate the Dayton, Lebanon and Deerfield Railroad Company, passed February 6, 1847, and an act amendatory thereto, passed February 14, 1848.

Mr. Dubbs, in accordance with previous notice, introduced the following bill :

S. No. 118 ; A bill to revive the fourth section of a certain act therein named.

Mr. Wilson, in accordance with previous notice, introduced the following bill :

S. 119 ; A bill to authorize the sale of section sixteen, in Liberty township, Seneca county.

Said bills were severally read the first time.

Mr. Dennison gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to authorize the city council of Columbus to occupy a part of a certain street and alley for a market house.

On motion of Mr. Burns,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

FRIDAY, FEBRUARY 2, 1849.

Mr. Backus presented the petition of Edwin Loper, John W. Loper and Charles E. Loper, asking for the change of their surnames to that of "Lathrop."

Referred to the standing committee on the Judiciary.

Mr. Burns presented the petition of 18 citizens of Richland county for the election of John H. Culbertson an Associate Judge of said county,

Laid on the table.

Mr. Whitman presented the petition of 223 citizens of Fairfield county for the election of R. D. Lutphen an Associate Judge.

Laid on the table.

Mr. Claypool presented the petition of John Britt and 69 citizens of Waverly, Pike county, for authority to the town council of Waverly to grant license to retail liquors.

Referred to the standing committee on the Judiciary.

Mr. Myers presented three petitions from 184 citizens of Napoleon, Flat Rock and Pleasant townships, Henry county, asking for the erection of a new county and against the erection of the new county of Fulton.

Referred to the standing committee on New Counties.

Mr. Kendall presented the petition of Capt. P. Kinney, of Portsmouth, asking a change in the militia law.

Referred to the standing committee on the Militia.

Mr. Wilson presented the petition of the trustees, superintendant and teachers of the Deaf and Dumb Asylum for an increase of the specific appropriation for the speaking teachers.

Referred to the standing committee on Benevolent Institutions.

Mr. Vinal, from the standing committee on enrollment, made the following report:

The standing committee on enrollment, report that they have examined the act to incorporate the Rossville and Millville Turnpike Road company, and find the same correctly enrolled.

Mr. Blocksom, from the standing committees on Railroads and Turnpikes, to which was referred H. No. 4; To incorporate the London, Midway and Washington Turnpike company, have had the same under consideration, and report the same back without amendment, and recommend its being ordered to a third reading. Agreed to.

The same gentleman, from the same committee, to which was referred H. No. 39; To incorporate the London, Summerford and Mechanicsburg Turnpike company, have had the same under consideration, and report the same back without amendment, and recommend its being ordered to a third reading. Agreed to.

The same gentleman, from the same committee, to which was referred S. No. 29; To amend the act to incorporate the Ross County Turnpike company, passed February 19, 1848, have had the same under consideration, report it back without amendment, and recommend its engrossment. Agreed to.

Ordered that said bills be severally read the third time to-morrow.

Mr. Archbold, from the standing committee on the Judiciary, to which was referred Senate resolution relative to the admission of Mrs. Lois Beach, a pay patient into the lunatic asylum, reported the same back with the following amendment, which was agreed to, and recommended its adoption. Agreed to.

Add the following proviso:

Provided that the superintendant of the Asylum shall require and take a new bond or memorandum, to secure the payment of the above mentioned sum of one dollar and fifty cents per week, according to the provisions of the 8th section of the act for the government of the Ohio Lunatic Asylum, which passed and took effect March 13, 1838.

The same gentleman, from the same committee, to which was referred S. No. 32; Making William Leonidas Davidson, the legal heir of William B. Maxey, deceased, reported the same back with the following amendments, which were agreed to:

Strike out all after the enacting clause and insert, "that the Governor of this State is hereby authorized and required to convey and release by deed, to the said William Leonidas Davidson, all the right, title, interest and claim, which the State of Ohio might otherwise have by escheat, in or to the real and personal estate of the said William B. Marey, deceased.

2d Amendment: Strike out the word "legal" from the last line of preamble, and insert the word "known."

Ordered that said bill be read the third time to-morrow.

The same gentleman, from the same committee, to which was referred S. No. 6; To provide for the ascertaining of the will of the people of the State, upon the question of calling a convention to amend or change the constitution of the same, made the following report:

The committee on the Judiciary, to whom was referred S. No. 6; To ascertain the will of the people of this State concerning a constitutional convention, report the same back, and unanimously recommend its engrossment and passage, with some slight verbal amendments. Circumstances admonish us to be brief in our argument. The strength of our convictions must not be measured by the number of our words.

Our present constitution, in a strain of sublime and simple eloquence, borrowed from Magna Charta, promises that the courts of justice shall be open, and every person for injury sustained in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without denial or delay. It was right to make this promise, for a civil suit in a court of justice is a substitute for private war. But the promise is not performed. Right and justice are both denied and delayed in the tribunal of last resort, and this without any imputation on the judges, who are physically incapable of performing the task assigned. This is notoriously the case at present, with a population of two millions. Less than twenty years will double our numbers. But the fault is in the constitution itself, which will not allow a sufficient Judiciary force on the supreme bench.

It is also thought by some gentlemen, that the creation of courts of probate, unembarrassed by the immense variety of business in our courts of common pleas, would be highly advantageous.

It is confidently believed that a vast mass of local matters which now claim the attention of the General Assembly, might be advantageously committed to local jurisdiction in the several counties.

An extension of the principle of popular election, to many posts and places now filled by appointment of the General Assembly, is by many thought advisable.

The committee will indulge in a few concluding observations. A majority of the States of the Union, have changed their organic institutions since the commencement of the present century. It is not believed that one of them was impelled to the change by reasons so weighty as those which urge us to adopt the same policy. We are laboring under the pressure of admitted evils. Every man in and out of the General Assembly, admits the defects of the present constitution. We have

peace in all our borders. No foreign foe threatens us from without, no insurrection or rebellion lifts its gorgon head within. We are not supposed to be restrained from the task of amending our defective institutions, by the pressure of external danger, but by the presence of internal vice and weakness. And the ghosts of anarchy and confusion and agrarianism and disorganization and civil strife, are conjured up and made to stalk across the stage before our eyes, in long and hideous array, to overcome our firmness and dissuade us from action. If these opinions are well founded, if we are really unable to relieve ourselves from the enormous burden of admitted evils, it is our duty in candor to announce to the world that popular government is a failure in Ohio. Did we concur with gentlemen in such ideas, we should invite the Assembly and the people, to proceed instantly to lay our rights and liberties—all that we value—all that we hold dear—at the footstool of despotism.

EDWARD ARCHBOLD,
Chairman Judicial Committee.

The same gentleman, from the same committee, recommended the adoption of the following amendment to the bill, to come in at the end of the first section:

Every ballot for a Representative or Representatives in the General Assembly, with the word convention written or printed thereon, shall be deemed, and taken to be, a vote in favor of calling a convention to amend or change the constitution. Every ballot for a Representative or Representatives, with the words no convention written or printed thereon, shall be deemed, and taken to be, a vote against calling such convention, provided the same shall have been regularly voted by a qualified elector.

Mr. Goddard moved to amend the amendment as follows:

After the word "thereon," insert, "or containing nothing thereon upon the subject of a convention." Agreed to.

The amendment as amended was then agreed to.

The question then being on the engrossment of the bill,

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted yeas 24, nays 6, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blockson, Burns, Byers, Dennison, Dimmock, Dubbs, Emrie, Ewing, Goddard, Hendricks, Lewis, Myers, Patterson, Swift, Vinal, Whitman, Wilson and Speaker—24.

Those who voted in the negative, were

Messrs. Claypool, Conklin, Corwin, Haines, Kendall and Scott—6.

So the bill was ordered to be engrossed and read the third time tomorrow.

Mr. Lewis, from the select committee to which was referred H. No. 43, To regulate the levying of a tax for road purposes, in the coun-

ties of Belmont and Ashtabula, reported the same back and recommended its being ordered to a third reading. Agreed to.

Mr. Corwin, from the select committee to which was referred S. No. 110, Fixing the time of holding the court of Common Pleas in the 7th judicial circuit, reported the same back and recommended its engrossment. Agreed to.

Ordered, that said bills be read the third time to-morrow.

The following bills were read the second time, committed to the committee of the whole Senate and made the order of the day for this day:

S. No. 116; To incorporate the Warren and Lake Erie Plank Road Company.

S. No. 117; To provide for the sale of the Western Reserve school lands.

H. No. 25; To amend an act to incorporate the Farmer's Mutual Fire Insurance Company of Medina county.

H. No. 46; To appoint commissioners to lay out and establish a state road in the counties of Meigs, Gallia and Jackson.

H. No. 47; To amend the act incorporating the Colerain, Oxford and Brookville Turnpike Company.

H. No. 49; To incorporate the town of Bryan in the county of Williams.

H. No. 50; To authorize the commissioners of Van Wert county to borrow money for certain purposes.

H. No. 51; To incorporate the Otterbein University, in Westerville, Franklin county, Ohio.

S. No. 118; To revive the 4th section of a certain act therein named.

S. No. 119; To authorize the sale of section 16, in Liberty township, Seneca county.

The following bill was read the third time and passed:

H. No. 3; To amend the act, passed Jan. 28, 1848, entitled "an act to incorporate the Lorain Plank Road Company.

Ordered, that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. 155; To fix the times of holding the courts of Common Pleas in the 10th judicial circuit.

H. No. 156; For the relief of Nabby Wheeler.

H. No. 157; To extend the corporate limits of the city of Cincinnati.

H. No. 158; To amend the several acts, now in force, to regulate the practice of judicial courts.

H. No. 159; To incorporate the Maumee City Plank Road Company.

H. No. 160; To amend an act passed Feb. 8, 1847, entitled an act to encourage Teacher's Institutes.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 53; To provide for the punishment of the offence therein named.

H. No. 58; To amend an act to incorporate the town of Franklin, in the county of Warren, and to repeal all laws heretofore enacted on that subject, passed Feb. 8, 1848.

H. No. 69; To authorize the trustees of Portland township, Erie county to borrow twenty thousand dollars; and subscribe the same as stock in plank roads.

H. No. 83; To authorize the trustees of Portland township, Erie county, to borrow twenty thousand dollars for the improvement of the Sandusky Harbor.

H. No. 84; To amend an act, passed Feb. 4, 1836, entitled an act to incorporate the town of Jefferson, in the county of Ashtabula.

H. No. 98; To authorize the trustees of the original surveyed township in Brown township, Athens county, to lease to the original lessees or their assigns, section 29, in said township.

S. No. 17; To incorporate the trustees of the Ohio Institute of Natural Science.

S. No. 28; To incorporate the Evangelical Lutheran St. John Congregation of Springfield, Clark county, Ohio.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been introduced into the House and read the first time:

H. No. 161; To incorporate the Franklin and Germantown Turnpike Road Company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 56; To repeal the act to provide for registering the names of electors, and to prevent frauds at elections, passed March 13, 1845.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

Mr. Dennison, in accordance with previous notice, introduced the following bill:

S. No. 120; A bill to authorize the city council of Columbus to occupy a part of a certain street and alley therein mentioned for a market house.

Said bill was read the first time.

On motion of Mr. Dennison,

The constitutional rule was dispensed with, and said bill read the second time and referred to the standing committee on Corporations.

Mr. Hendricks, in accordance with previous notice, introduced the following bill:

S. No. 121; A bill to amend an act entitled "an act to incorporate the Dayton, Lebanon and Deerfield Railroad Company," passed Feb. 6, 1847, and act amendatory thereto, passed Feb. 14, 1848.

Said bill was read the first time.

On motion of Mr. Blake,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Emrie in the chair, and after some time spent therein, rose and reported the following bills, some with and some without amendments:

S. No. 44; To repeal certain bank charters therein named, with amendments.

Referred to the standing committee on the Judiciary.

S. No. 45; To lay out and establish a free turnpike road from Sidney to St. Marys.

S. No. 47; To establish a free turnpike road from Carrollton, in Montgomery county, by way of Farmersville, Dunkert church and Demiston's mills to Eaton in Preble county.

Said bills were severally referred to the standing committee on Railroads and Turnpikes.

S. No. 48; To incorporate the Mansfield Fire Company, with sundry amendments, which were agreed to.

Ordered, that the bill be engrossed and read the third time to-morrow.

S. No. 49; To amend an act entitled "an act to incorporate the Bellefontaine and Indiana Railroad Company," passed Feb. 25, 1848, with one amendment.

Referred to the standing committee on Railroads and Turnpikes.

Mr. Claypool gave notice that on to-morrow, or some subsequent day of the present session, he would introduce a bill to incorporate the Chillicothe Cemetery Company.

The Speaker laid before the Senate the special report of the Secretary of State in relation to vacancies.

[See Vol. Feb. Dos.]

Laid on the table.

On motion of Mr. Ankeny.

The Senate took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Bennett,

The report of the committee on unfinished business was taken up, and so much as relates to

S. No. 16; To amend an act entitled an act defining the powers and duties of Justices of the Peace, and constables, in civil cases, passed March 14, 1831, was

Referred to the standing committee on the Judiciary.

On motion,

The report was laid on the table.

Mr. Dennison asked leave to be excused from serving on the special committee to examine into the accounts of collectors, &c. Agreed to. Mr. Blake was appointed on said committee.

On motion of Mr. Bennett,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Lewis in the chair, and after some time spent therein, rose and reported the following bills, with one amendment:

S. No. 50; To establish the ten hour system of labor in this state.

Mr. Ankeny moved to refer said bill, with the pending amendment, to the standing committee on the Judiciary. Lost.

Mr. Blake moved to refer said bill, with the pending amendment, to a select committee of three. Lost.

The question being on striking out the first section,

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted yeas 15, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Bennett, Blocksom, Claypool, Emrie, Goddard, Graham, Haines, Kendall, Myers, Patterson, Vinal, Whitman and Speaker—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Buras, Byers, Conklin, Dennison, Dimmock, Dubbs, Ewing, Hendricks, Lewis, Scott and Swift—14.

So the motion was agreed to.

On motion of Mr. Archbold,

The bill was referred to the standing committee on the Judiciary.

On motion of Mr. Ankeny,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Whitman in the chair, after some time spent therein, rose and reported the following bills, some with and some without amendments.

S. No. 54; For the better support of common schools in Perrysburg, Wood county.

Ordered, that the bill be engrossed and read the third time to-morrow.

S. No. 55; To establish a free turnpike road from Sugar Valley to Camden, Preble county, with one amendment.

Referred to the standing committee on Railroads and Turnpikes.

16—A. J.

S. No. 56; To give additional security to land titles in this state.

S. No. 57; Making Ophelia Piper the legal heir of Zadock Tillotson of Medina county, and changing the name of said Ophelia Piper to Caroline Tillotson.

Said bills were severally referred to the standing committee on the Judiciary.

S. No. 59; To authorize the sale of the north west quarter of section No. 32; T. 8; N. R. 12, E., in the county of Wood.

Ordered that the bill be engrossed and read the third time to-morrow.

S. No. 58; To incorporate the Toledo and Woodville plank road company, with sundry amendments, which were agreed to.

Referred to the standing committee on corporations.

On motion of Mr. Goddard,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Claypool in the chair, and after some time spent therein rose and reported the following bill:

S. No. 51; For the better organization of public schools in cities, towns, &c., with sundry amendments.

Referred to the standing committee on Schools and School Lands.

On motion of Mr. Whitman,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Dubbs in the chair, and after some time spent therein, rose and reported the following bills, some with and some without amendments:

S. No. 60; To amend the act incorporating the Cincinnati, Lebanon and Springfield turnpike company.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 61; Incorporating the Scioto Valley railroad company, with sundry amendments, which were agreed to.

Ordered that the bill be engrossed and read the third time to-morrow.

The Speaker laid before the Senate a communication from the Governor relative to the documentary history of the American revolution.

(*See Pub. Doc.*)

Laid on the table.

On motion of Mr. Goddard,

Resolved, That the copy of the first volume of the 5th series of the documentary history of the revolution, belonging to the Senate, be deposited in the state library, and not permitted to be taken out, excepting upon the order of the Speaker of the Senate.

On motion of Mr. Beaver,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

SATURDAY, FEBRUARY 3, 1849.

Prayer by Rev. Mr. Doolittle.

Mr. Ankeny presented three petitions from 478 citizens of Tuscarawas and Coshocton counties, for the erection of the new county of Orange.

Referred to the select committee on new counties.

Mr. Backus presented the petition of Luther Marsh and 63 other citizens of Brookville, Cuyahoga county, asking that swine may be restrained from running at large.

Referred to the standing committee on Agriculture.

Mr. Beaver presented the memorial of sundry citizens of Trumbull county for the organization of the new county of Orange.

Referred to the standing committee on new counties.

Also, the petition of sundry citizens of the state of Ohio, for the repeal of all laws making a distinction on account of color.

Referred to the select committee on that subject.

Mr. Horton presented the petition of 147 voters of Meigs county, asking that Columbia Downing be elected associate judge of said county.

Laid on the table.

Mr. Archbold, from the standing committee on the judiciary, to which was referred H. No. 52; To authorize the establishment of separate schools for the education of colored children, and for other purposes, reported the same back, with one amendment.

Mr. Dennison moved to recommit the bill and pending amendment to the standing committee on the judiciary.

Mr. Ankeny demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 11, as follows:

Those who voted in the affirmative were

Messrs. Archbold, Backus, Blake, Bennett, Burns, Claypool, Corwin, Dennison, Dimmock, Dubbs, Goddard, Haines, Kendall, Lewis, Patterson, Vinal, Worcester and Speaker—18.

Those who voted in the negative were

Messrs. Ankeny, Beaver, Blocksom, Byers, Emrie, Graham, Myers, Scott, Swift, Whitman and Wilson—11.

So the motion was agreed to.

Mr. Dennison, from the standing committee on Universities, Colleges and Academies, to which had been referred H. No. 2; To incorporate the Judson College at Jefferson, in the county of Harrison, reported the same back, with the following amendment, and recommended it to be read a third time.

Strike out the 9th section, and insert as the 9th section of the bill the following:

Sec. 9. "The Board of Directors of Muhlenburgh College" are hereby authorized to transfer and convey to the "Board of Directors of the Judson College," incorporated by this act, all the rights, fran-

chises and property, real and personal, belonging to the former, and from the time of such transfer, the rights, privileges and immunities conferred upon the "Board of Directors of Muhlenburgh College," by the act incorporating the same, passed January 11, 1848, shall vest in the Board of Directors of Judson College, except so far as they may be varied by this act."

Which was agreed to.

Ordered that the bill be read the third time on Monday.

Mr. Archbold, from the standing committee on the judiciary, to which had been referred S. No. 33; Concerning writs of error in fact, reported the same back with the following amendment, which was agreed to.

Strike out the word "notice" from the fourth line of the second section, and insert the word "motion."

Mr. Goddard moved to amend as follows; which was agreed to:

Excepting in actions of ejectment and actions of trespass for mesne profits.

The question being on ordering the bill to be engrossed, was agreed to.

Ordered that the bill be read a third time on Monday.

Mr. Vinal, from the standing committee on Enrollment, made the following report:

The standing committee on Enrollment report, that they have examined an act to incorporate the Trustees of the Ohio Institute of Natural Science. Also, an act to incorporate the Evangelical Lutheran St. John Congregation of Springfield, Clark county, Ohio, and find the same correctly enrolled.

Mr. Corwin, from the standing committee on Corporations, introduced the following bill:

S. No. 122; A bill in relation to taxes, schools and sewers in the city of Toledo.

Said bill was read the first time.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

H. No. 53; To provide for the punishment of the crime therein named.

H. No. 58; To amend an act entitled an act to incorporate the town of Franklin, in the county of Warren, and to repeal all acts heretofore enacted on that subject, passed February 8, 1848.

H. No. 69; To authorize the trustees of Portland township, Erie county, to borrow the sum of \$20,000 for the purpose of plank roads.

H. No. 83; To authorize the trustees of Portland township, Erie county, to borrow the sum of \$20,000 for the improvement of the Sandusky harbor.

H. No. 84; To amend an act passed Feb. 4, 1836, entitled an act

to incorporate the town of Jefferson, in the county of Ashtabula.

H. No. 98; To authorize the trustees of the original surveyed township in Brown township, Athens county, to lease to the original lessees or their assigns section 29, in said township.

H. No. 56; To repeal the act to provide for the registering the names of electors, and to prevent frauds at elections, passed March 13, 1845.

S. No. 121; To amend an act to incorporate the Dayton, Lebanon and Deerfield Plank Road company, passed Feb. 6, 1847, and an act amendatory thereto, passed Feb. 14, 1848.

The following bills were read the third time and passed:

S. No. 61; Incorporating the Scioto Valley Railroad company.

S. No. 29; To amend the act to incorporate the Ross county Turnpike company, passed February 19, 1848.

S. No. 54; For the better support of common schools in Perrysburgh, Wood county.

S. No. 110; Fixing the times of holding the Court of Common Pleas in the seventh judicial circuit.

H. No. 39; To incorporate the London, Somerford and Mechanicsburgh Turnpike company.

Ordered that the titles be as aforesaid.

The following bills were read the third time:

S. No. 32; Making William Leonidas Davidson the legal heir of William B. Maxey, deceased.

The question being on agreeing to the title,

Mr. Archbold moved to amend the title as follows; which was agreed to:

A bill authorizing the conveyance to William Leonidas Davidson of all the interest of this state, arising by escheat in the real and personal estate of William B. Maxey, deceased.

The title as amended was agreed to, and the bill was passed.

S. No. 48; To incorporate the Mansfield Fire company.

The question being on agreeing to the title,

Mr. Burns moved to amend the title as follows; which was agreed to:

After the word "company" add "No. 1."

The title as amended was agreed to, and the bill was passed.

S. No. 59; To authorize the sale of the northwest section No. 32, township 8, north, range 12 east, in the county of Wood.

The question being on agreeing to the title,

Mr. Whitman moved to amend the title as follows; which was agreed to:

After the word "west" insert "quarter of."

The title as amended was agreed to, and the bill was passed.

S. No. 6; To provide for ascertaining the will of the people of this state upon the question of calling a convention to amend or change the constitution of the same.

Mr. Burns moved a call of the Senate, which was ordered, and Messrs. Chase, Ewing, Hendricks, Horton and Patterson were absent.

On motion,

Messrs. Chase, Ewing and Horton were excused, owing to sickness.

On motion of Mr. Burns,

All further proceedings under the call were dispensed with.

Mr. Goddard moved to lay the bill upon the table.

Mr. Archbold demanded the yeas and nays, which were ordered and resulted, yeas 22, nays 6, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Dennison, Dimmock, Dubbs, Emrie, Goddard, Haines, Lewis, Myers, Scott, Swift, Whitman, Wilson and Speaker—22.

Those who voted in the negative, were

Messrs. Claypool, Conklin, Corwin, Kendall, Vinal, and Worcester—6.

So the motion was agreed to.

H. No. 43; To regulate the levying of a tax for road purposes, in the counties of Belmont and Ashtabula.

Referred to a select committee of one—Mr. Archbold.

H. No. 4; To incorporate the London, Midway and Washington Turnpike company.

The question being on agreeing to the House amendment to the title, was agreed to, as follows:

Strike out the words "London, Midway and Washington," and insert "Madison and Fayette."

The title as amended was agreed to, and the bill passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker :

The Speaker of the House has signed the following enrolled bill, to which the signature of the Speaker of the Senate is requested:

An act to amend the act entitled an act prescribing the times of holding the Court of Common Pleas in the twelfth judicial circuit, passed February 2, 1848.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 61; For the relief of John D. Burrill.

Attest:

STANLEY MATTHEWS, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 24; To revive an act entitled an act to incorporate the Bishops Fraternal Calvinistic Baptist Seminary, passed March 7th, 1835, and to change the name of said corporation.

H. No. 42; To repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed January 15, 1845.

H. No. 64; To incorporate the Minster Fire Insurance Association.

H. No. 65; To repeal an act entitled an act to incorporate Harmer and Lancaster Turnpike company, passed March 13, 1838.

H. No. 66; To incorporate the Oxford, Western and Connersville Turnpike Road company.

H. No. 68; To incorporate the Waynesville and Sugar Creek Turnpike company.

H. No. 70; To incorporate the Relief Fire Company of the city of Chillicothe.

H. No. 75; To incorporate the Sandusky City and Castalia Plank Road company.

H. No. 81; To incorporate the Savannah Toll Bridge company, in the county of Athens.

H. No. 82; To authorize the sale of school section sixteen in Pleasant township, Hancock county.

H. No. 90; To amend a part of the act incorporating the town of Steubenville.

S. No. 25; To organize school district No. 7; Liberty township, Clinton county.

S. No. 31; To incorporate the Hamilton, Rossville, Millville and Scipio Turnpike Road company.

S. No. 20; To incorporate the Norwalk Plank Road company.

The following bills have been introduced into the House and read a first time:

H. No. 162; To incorporate the Mount Washington College, Hamilton county, Ohio.

H. No. 163; To repeal an act entitled an act to incorporate the Bank of Norwalk.

H. No. 164; To repeal the charter of the Bank of Sandusky.

H. No. 165; To amend the act entitled an act for the support and better regulation of common schools, so as to allow the trustees of Richland township, Belmont county, to divide the town of St. Clairsville into two or more school districts.

H. No. 166; To authorize the sale of a part of school section sixteen, in Smithfield township, Jefferson county.

H. No. 167; To incorporate the town of Rock Creek, in Ashtabula county.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

The Speaker laid before the Senate the special report of the Secretary of State, relative to printing paper.

(See Appendix, p. 323.)

Laid on the table.

Mr. Horton, in accordance with previous notice, introduced the following bill.

S. No. 123; A bill to incorporate the trustees of the Pomeroy Academy.

Said bill was read the first time.

On motion of Mr. Myers:

Resolved, That the standing committee on the Judiciary be directed to inquire into the propriety of regulating that portion of the law incorporating the State Bank of Ohio, so far as the organization of additional branches are concerned, and the establishment of a free banking system in its place, with proper restrictions and full security to the bill holders.

Mr. Worcester gave notice that upon to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to incorporate the city of Milan.

Mr. Dennison gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill to incorporate the Columbus, Chillicothe and Portsmouth Railroad company.

On motion of Mr. Goddard,

Resolved, That the Attorney General be and he hereby is directed to institute proceedings in *quo warranto*, against the Manhattan Bank, the Bank of Norwalk, the Bank of Sandusky, and the Bank of Wooster.

Mr. Claypool, in accordance with previous notice, introduced the following bill:

S. No. 124; A bill to incorporate the Chillicothe Cemetery Association.

Mr. Conklin, in accordance with previous notice, introduced the following bill:

S. No. 125; A bill to amend an act entitled an act to incorporate the town of Sidney, passed March 1, 1834.

Said bills were severally read the first time.

On motion of Mr. Dimmock,

The special report of the Secretary of State, relative to printing paper, was taken up.

Referred to the standing committee on Printing.

On motion of Mr. Beaver,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

MONDAY, FEBRUARY 5, 1849.

Prayer by the Rev. Mr. Cheney.

Mr. Ankeny presented the petition of R. J. Clark and 32 citizens of Guernsey county, for the establishment of a state road from Washington in Guernsey, to Coshocton.

Referred to a select committee of one—Mr. Ankeny.

Mr. Judy presented the petition of Thomas B. Cooper and 46 other citizens of Logan county, for an alteration in the Bellefontaine, Lima and Van Wert Free Turnpike.

Referred to the standing committee on Roads and Highways.

Mr. Myers presented the petition of 100 citizens of Toledo, for the passage of a law creating a superior court in said city.

Referred to a select committee of one—Mr. Myers.

Mr. Corwin presented the petition of A. Allen and 43 other residents of Clinton county, for the repeal of the black laws.

Laid on the table.

Mr. Blake presented the petition of 234 citizens of Ohio, for the repeal of all laws making distinction on account of color.

Referred to the select committee on that subject.

Mr. Burns presented the petition of 87 citizens of Richland county, for the election of James Conings an associate judge of said county.

Laid on the table.

Mr. Claypool presented two petitions from John Prather, James Patterson and 76 other citizens of Richmondale, Ross county, and Pike county, for a law to construct a lock at the dam below Chillicothe.

Referred to the standing committee on public works.

Also the petition of Selim Day and 60 other citizens of Meigs county, for the election of Columbia Downing an associate judge of said county.

Laid on the table.

Mr. Archbold moved a call of the Senate, which was ordered, and Messrs. Chase, Ewing, Horton and Worcester were absent.

Or motion,

The above gentleman were excused owing to sickness.

On motion of Mr. Archbold,

All further proceedings under the call were dispensed with.

Mr. Hendricks, from the standing committee on Railroads and Turnpikes, to which had been referred S. No. 47; To establish a free turnpike road from Carlton in Montgomery county, by way of Farmersville, Dunkert Church and Deniston's Mills to Eaton, in Preble county, reported the same back and recommended its engrossment. Agreed to.

Mr. Blocksom, from the same committee, to which the subject had been referred, reported a bill No. 126; To lay out and establish a free turnpike road, from the M'Cutchensville road to the Maumee and Western Reserve Road, in Wood county, which was read the first time.

Mr. Corwin, from the standing committee on corporations, to which was referred H. No. 19; To extend the corporate limits of the town of Germantown, reported the same back and recommended its being ordered to a third reading. Agreed to.

Said bills were severally ordered to be read a third time to-morrow.

The same gentleman from the same committee, to which was referred S. No. 12; to incorporate the Springfield Hydraulic company, reported the same back with one amendment, as follows, to come in after the word "constructed," in the 13th line, of 5th section:

"As well as the assent of all persons interested in milling privileges which will be affected by the construction of the improvement contemplated by this act."

Which was agreed to.

Mr. Vinal moved to amend as follows, after the name of "Oliver Clark," insert, "Henry Snyder, Daniel Hertzler, John Knisley, Isaac Ward, Richard Rogers," which was agreed to.

The bill was ordered to be engrossed and read the third time to-morrow.

Mr. Archbold, from the standing committee on the Judiciary, to which was recommitted H. No. 52, to authorize the establishment of separate schools for the education of colored children, and for other purposes, reported the same back with one amendment, as follows:

Amendment to House bill 52, to come in after the word "repealed," in the ninth line of the sixth section, "except the act of the 9th February, 1831, relating to juries, and the act of the 14th March, 1831, for the relief of the poor."

The question being on agreeing to the amendment,

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 25, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Judy, Kendall, Patterson, Scott, Vinal, Whitman, Wilson and Worcester—25.

Those who voted in the negative, were

Messrs. Beaver, Bennett, Blake, Blocksom, Dimmock, Lewis, Myers, Swift, and Speaker—9.

So the amendment was agreed to.

The question then being on ordering the bill to a third reading.

Mr. Archbold demanded the yeas and nays, which were ordered, and resulted yeas 22, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Chase, Corwin, Dennison, Dubbs, Emrie, Evans, Graham, Haines, Hendricks, Lewis, Myers, Patterson, Swift, Wilson, Worcester and Speaker—22.

Those who voted in the negative, were

Messrs. Blocksom, Burns, Byers, Claypool, Conklin, Dimmock, Goddard, Judy, Kendall, Scott, Vinal and Whitman—12.

So the bill was ordered to a third reading.

Said bill was then ordered to be read a third time now.

Mr. Byers moved a call of the Senate.

Messrs. Ewing, Hendricks and Horton were absent.

On motion,

Messrs. Ewing and Horton were excused, owing to illness.

On motion,

All further proceedings under the call were dispensed with.

The question being Shall the bill pass?

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 23, nays 11, as follows.

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Chase, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Graham, Haines, Hendricks, Lewis, Myers, Patterson, Swift, Wilson, Worcester and Speaker—23.

Those who voted in the negative, were

Messrs. Blocksom, Burns, Byers, Claypool, Conklin, Goddard, Judy, Kendall, Scott, Vinal and Whitman—11.

So the bill was passed.

Ordered that the title be as aforesaid.

Mr. Dennison, from the select committee on the subject, to which was recommitted S. No. 52, to amend an act entitled an act for the support and better regulation of common schools in the city of Columbus, passed February 3, 1845, reported the same back with one amendment, which was agreed to, as follows:

Fourth line section 7, strike out the word "shall," and insert "may."

The question being Shall the bill pass? was agreed to.

Ordered that the title be as aforesaid.

Mr. Myers, from the select committee on that subject, introduced the following bills:

S. No. 127; A bill to provide for the construction of culverts, and gates in mill dams in the township of Sylvania in the county of Lucas.

S. No. 128; A bill to create the Superior Court of Toledo.

Mr. Ankeny, from the select committee on that subject, introduced the following bill:

S. No. 129; A bill to lay out and establish a State road in the counties of Guernsey and Coshocton.

Mr. Emrie, from the select committee on that subject, introduced the following bills:

S. No. 130; A bill to amend the act entitled an act to incorporate the Ripley and Hillsborough Turnpike company, passed February 19, 1833.

S. No. 131; A bill to amend the act entitled an act to incorporate the Milford and Chillicothe Turnpike Road company, passed February 11, 1832.

Said bills were severally read the first time.

Mr. Chase, on leave, presented the petition of King Diamond and 57 others, praying for an alteration of the charter of the Colerain, Oxford and Brookville turnpike company.

Laid on the table.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 122; In relation to taxes, schools and sewers in the city of Toledo.

H. No. 61; For the relief of John D. Burrill.

H. No. 24; To revive an act entitled an act to incorporate the Bishop's Fraternal Calvinistic Baptist Seminary, passed March 7, 1835, and to change the name of said corporation.

H. No. 42; To repeal an act entitled an act prescribing the duties of Supervisors and relating to roads and highways, passed January 15, 1845.

H. No. 64; To incorporate the Minster Fire Insurance company.

H. No. 65; To repeal an act entitled an act to incorporate the Harmer and Lancaster Turnpike company, passed March 13, 1838.

H. No. 66; To incorporate the Oxford, Western and Connersville Turnpike Road company.

H. No. 68; To incorporate the Waynesville and Sugar Creek Turnpike company,

H. No. 70; To incorporate the Relief Fire company of the city of Chillicothe.

H. No. 75; To incorporate the Sandusky City and Castalia Plank Road company.

H. No. 81; To incorporate the Savannah Toll Bridge company in the county of Athens.

H. No. 82; To authorize the sale of school section 16, in Pleasant township, Hancock county.

H. No. 90; To amend a part of the act incorporating the town of Steubenville.

S. No. 123; To incorporate the trustees of the Pomeroy Academy.

S. No. 124; To incorporate the Chillicothe Cemetery Association.

S. No. 125; To amend an act entitled an act to incorporate the town of Sidney, passed March 1, 1834.

The following bills were read the third time and passed:

S. No. 33; Concerning writs of error in fact.

H. No. 2; To incorporate the Judson College at Jefferson, in the county of Harrison, with an amendment.

Ordered that the titles be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the following resolution:

Senate joint resolution relative to retaining Miss Lois Beach in the Lunatic Asylum.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. 74: To revive a certain act therein named.

Also, the following bills have been introduced into the House and read the first time:

H. 168: To amend an act entitled an act defining the powers and duties of Justices of the Peace and constables in criminal cases, passed March 27, 1837, and the several amendments thereto.

H. 169: To authorize the Governor, on behalf of the State of Ohio, to make a conveyance of certain lands in Summit county, belonging to said State.

H. 170: To amend the act fixing the times of holding the courts in the fifteenth judicial circuit.

H. 171: To create the nineteenth judicial circuit, and to alter certain other judicial circuits.

H. 172: To repeal the act entitled "an act to amend the act fixing the rate of interest," passed February 18, 1848.

H. 173: To authorize the sale of the south half of section 24, granted to Washington township, Morrow county.

H. 174: To amend an act entitled an act to incorporate the Dayton & Xenia Turnpike Road Company, passed February 28, 1845.

H. 175: To amend an act entitled "an act to authorize the city of Dayton to subscribe to the capital stock of certain railroad companies," passed February 8, 1847.

H. 176: To amend the act to incorporate the city of Sandusky, in Erie county, and for other purposes, passed March 6th, 1845.

H. 177: To incorporate the Walnut Street Baptist Church of Cincinnati.

H. 178: Fixing the prices of printers for publishing the delinquent and forfeited lists.

H. 179: Concerning the powers and duties of the Auditor of State.

H. 180: To suppress the Xenia Branch of the State Bank of Ohio.

H. 181: To repeal part of the act entitled an act to lay out and establish a free turnpike road from Delaware, in Delaware county, to Kenton, in Hardin county, passed February 8, 1848.

H. 182: To create the nineteenth judicial circuit.

H. 183: To repeal the twentieth section of an act therein named.

H. 184: For the relief of Amelius Heyden and William M. Folger.

H. 185: To incorporate the Dayton, Xenia & Watervliet Valley Turnpike Company.

H. 186: To incorporate the London and Lafayette Turnpike Company.

H. 187: Further to amend an act entitled an act in relation to the Urbana, Troy & Greenville Turnpike Road Company, passed February 4, 1848.

The House has also passed the following bill:

H. 104: To fix permanently the times of holding the courts of common pleas in the second judicial circuit.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. 188: To amend an act entitled an act to incorporate the town of New Richmond and Susanna, in the county of Clermont, and the acts amendatory thereto.

H. 189: To incorporate the Four Mile Valley Railroad Company.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Myers offered for adoption the following:

Resolved, That the select committee appointed to examine the returns and accounts of the collectors of canal tolls, on file in the State Auditor's office, be and they are hereby authorized to employ two clerks to assist said committee in their examinations.

Mr. Goddard moved to refer the resolution to the standing committee on Public Works and Public Lands.

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted yeas 21, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Burns, Byers, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Evans, Goddard, Haines, Judy, Kendall, Lewis, Patterson, Vinal and Speaker—21.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Chase, Emrie, Graham, Myers, Scott, Swift, Whitman and Wilson—10.

So the motion was agreed to.

The Speaker laid before the Senate a special report from the Governor, containing resolutions passed by the Legislature of Virginia, on the subject of slavery.

[See Pub. Doc.]

Mr. Dennison moved to refer the resolutions to a select committee of five.

Mr. Goddard moved to lay the resolutions on the table.

Mr. Dennison withdrew his motion to refer.

Mr. Myers renewed the motion.

Mr. Wilson moved the Senate take a recess.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 19, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Blocksom, Burns, Byers, Chase, Claypool, Corwin, Dimmock, Dubbs, Emrie, Evans, Graham, Judy, Lewis, Patterson, Scott, Swift, Whitman and Wilson—19.

Those who voted in the negative, were

Messrs. Beaver, Blake, Bennett, Conklin, Dennison, Goddard, Haines, Kendall, Myers, Vinal, and Speaker—11.

So the Senate took a recess.

THREE O'CLOCK, P. M.

The question being on referring the resolutions to a select committee,

Mr. Goddard moved to lay the resolutions on the table.

Mr. Wilson moved a call of the Senate, which was ordered, and Messrs. Blocksom, Burns, Byers, Chase, Claypool, Emrie, Ewing, Judy, Kendall, Whitman and Worcester, were absent.

On motion,

All further proceedings under the call were dispensed with.

The question being on laying the resolutions on the table, was agreed to.

Mr. Vinal gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to incorporate a company to construct a turnpike road from South Charleston, in Clark county, to intersect the turnpike from Washington, Fayette county, to Circleville, at Washington or some convenient point east of said town.

Also, for the sale of fractional section, No. 29, for school purposes, in Madison township, Clark county, Ohio.

Mr. Goddard, on leave, from the standing committee on Public Works and Public Lands, to which was referred Senate resolution relative to appointing two clerks, for the select committee to examine the collector's accounts, reported the same back and recommended its adoption. Agreed to.

On motion of Mr. Goddard,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Dimmock in the chair, and after some time spent therein, rose and reported the following bills, some with and some without amendment:

S. No. 53; To repeal the charter of the Bank of Sandusky.

Laid on the table.

S. No. 63; To establish a free turnpike road from Eaton, in Preble county, by way of West Florence, and thence west on the Boston state road to the Indiana state road, with amendments, which were agreed to.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 65; For the relief of the Harrison, New Trenton, Rochester, and Brookville Turnpike Company.

Ordered to be engrossed and read a third time to-morrow.

S. No. 66 ; To provide for the sale of certain school lands therein named, situated in Washington township, Miami county.

Referred to a select committee of one, Mr. Conklin.

S. No. 69 ; To authorize Surveyors to take acknowledgments of deeds.

Referred to the standing committee on the Judiciary.

S. No. 70 ; To divorce Caleb Baker from his wife Sarah Baker, with one amendment.

Laid on the table.

S. No. 71 ; To provide for the better preservation of the bonds of executors and administrators of the estates of deceased persons.

Referred to the standing committee on the Judiciary.

S. No. 72 ; To provide for taxing certain lands sold by the United States, with amendments.

The question being on agreeing to the amendment as follows :

Strike out the word " January " and insert " July,"

Mr. Dimmock demanded the yeas and nays thereon, which were ordered and resulted—yeas 21, nays 9, as follows :

Those who voted in the affirmative were

Messrs. Ankeny, Backus, Beaver, Blake, Blocksom, Bennett, Byers, Conklin, Corwin, Dennison, Evans, Goddard, Graham, Haines, Hendricks, Judy, Lewis, Patterson, Scott, Wilson and Speaker—21.

Those who voted in the negative were

Messrs. Archbold, Claypool, Dimmock, Dubbs, Emrie, Myers, Swift, Vinal and Whitman—9.

So the amendment was agreed to.

The question being on agreeing to the second amendment as follows :

Sec. 2. That so much of the tax law, passed March second, eighteen hundred and forty-six, as " exempts from taxation all lands sold by the United States, for five years after such sale," be and the same is hereby repealed, was agreed to.

Mr. Archbold moved to amend as follows :

Strike out all after the word " State " in the second line, to the word " lands " in the third line. The word " lands " inclusive.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 11, as follows :

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blocksom, Corwin, Dennison, Dimmock, Dubbs, Emrie, Graham, Haines, Hendricks, Judy, Lewis, Patterson, Vinal, Whitman and Speaker—18.

Those who voted in the negative, were

Messrs. Backus, Bennett, Blake, Byers, Claypool, Conklin, Evans, Goddard, Myers, Scott and Wilson—11.

So the amendment was agreed to.

Referred to the standing committee on Finance.

S. No. 74; To amend the act entitled an act to incorporate the Medina county Mutual Fire Insurance Company, passed March 16, 1841, with one amendment, which was agreed to.

Referred to the standing committee on Corporations.

Mr. Beaver, in accordance with previous notice, introduced the following bill:

S. No. 132; A bill to incorporate the Conneaut and Youngstown Plank Road Company.

Said bill was read the first time.

Mr. Dennison gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to amend the act for the appointment of certain officers therein named, passed February 17, 1831.

Mr. Corwin offered for adoption the following:

Resolved by the Senate and House of Representatives of the State of Ohio, That both branches of this General Assembly will adjourn sine die on Monday, the 5th day of March, 1849.

Mr. Whitman moved to lay the resolution on the table.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 23, as follows:

Those who voted in the affirmative were

Messrs. Anthony, Arebald, Blochson, Byers, Dimmock, Dubbe, Emrie, Evans, Graham, Haines, Myers, Patterson, Scott, Whitman, Wilson and Speaker—16.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Hendricks, Judy, Lewis, and Vinal—13.

So the resolution was laid on the table.

On motion of Mr. Goddard,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Conklin in the chair, and after some time spent therein, rose and reported back the following bills, some with and some without amendment:

S. No. 75; To amend the act to incorporate the city of Cleveland, and the act amendatory thereto, passed March 20, 1841.

Referred to a select committee of one, Mr. Backus.

S. No. 76; To incorporate the Lower Sandusky, Tiffin and Fort Ball Plank Road Company, with two amendments.

Referred to a select committee of one, Mr. Wilson.

S. No. 77; To authorize the sale of school section 16, in Monroe township, Preble county.

Referred to the standing committee on Schools and School Lands.

S. No. 78; To incorporate the Lower Sandusky and Sandusky City Plank Road Company.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 79 ; To amend the act to incorporate the Eclectic Medical Institution of Cincinnati, passed March 10, 1845, with two amendments, which were agreed to.

Ordered, that the bill be engrossed and read the third time on to-morrow.

S. No. 81 ; To authorize the city council of the city of Cincinnati to borrow such sums of money as may be required for the improvement of the city water works.

Referred to the standing committee on Corporations.

On motion of Mr. Goddard,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Blocksom in the chair ; after some time spent therein, rose and reported the following bills :

S. No. 82 ; To amend an act entitled an act to establish a free turnpike road from Marysville, in Union county, to Kenton, in Hardin county.

S. No. 83 ; To authorize the trustees of townships in the county of Brown to levy an additional road tax.

Referred to the standing committee on Roads and Highways.

Mr. Blocksom gave notice that on to-morrow or some other day of the present session, he would ask leave to introduce a bill to authorize the trustees of Perry township, in the county of Columbiana to levy a tax to build a town hall and market house in said township.

Mr. Corwin offered for adoption the following :

Resolved by the Senate and House of Representatives, That it shall not be in order to introduce any new bill in either House after Monday, the twelfth day of February, 1849.

Mr. Whitman moved a call of the Senate, which was ordered, and Messrs. Burns, Chase, Ewing, Horton, Kendall and Worcester, were absent.

On motion,

The above gentlemen were excused on account of sickness.

On motion,

All further proceedings under the call were dispensed with.

Mr. Scott moved to lay the resolution on the table.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 14, as follows :

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Lewis and Vinal—14.

So the resolution was laid on the table.

On motion of Mr. Archbold,

Resolved, That the Board of Claims, consisting of the Board of Pub-

lic Works and Attorney General, be requested to report with all convenient speed the amount of claims by them allowed under the joint resolution of the General Assembly of the 8th February, 1847, the amount of each claim, the person or persons to whom the allowance has been made, and the object for which made; whether services rendered or damages sustained, or for any other cause whatsoever.

On motion of Mr. Swift,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

TUESDAY, FEBRUARY 6, 1849.

Prayer by the Rev. B. D. Evans.

Mr. Wilson presented the petition of Wm. N. Montgomery, and 86 citizens of Clinton township, Seneca county, for the incorporation of the town of New Fort Ball.

Referred to a select committee of one—Mr. Wilson.

Mr. Ankeny presented the petition of Jacob Ely, and 125 citizens of Richland township, Belmont county, for the erection of such new counties as to settle the question so far as the county of Belmont is concerned.

Referred to the standing committee on New Counties.

Mr. Swift presented the petition of 140 citizens of the town of Cuyahoga Falls, to repeal an act passed 28th February, 1848, regulating the sale of intoxicating liquors in said town.

Referred to a select committee of one—Mr. Swift.

Mr. Myers presented the petition of L. L. Patrick, on the subject of school lands.

Referred to the standing committee on Schools and School Lands.

Mr. Dubbs presented the petition of 197 citizens of Cincinnati, for the passage of an act authorizing the City Bank of Cincinnati to increase its capital stock, and to become a branch of the State Bank of Ohio.

Referred to the standing committee on the Currency.

Mr. Haines presented the petition of M. Springer and Thomas W. Timpson, asking relief for certain injuries received from the State.

Referred to the standing committee on Claims.

Mr. Archbold, from the standing committee on the Judiciary, to which was referred S. No. 57: Making Ophelia Piper the legal heir of Zadock Tillotson, of Medina county, and changing the name of said Ophelia Piper to Caroline Tillotson, reported the same back with the following amendments:

Preamble—WHEREAS, The said Zadock Tillotson has applied to

this General Assembly to sanction his adoption of the said Ophelia as his daughter, and to clothe her with the immunities of that most tender and endearing relation; and this Assembly cannot but regard such instances of generosity and beneficence with approbation; therefore,

Amendment to come in at the end of the third line of the first section—"as if she were the actual daughter of Zadoek Tillotson,"—which was agreed to.

Second amendment—Restore the 2d section stricken out in committee of the whole.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 24, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Bennett, Blake, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Graham, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Scott, Vinal, Wilson, Worcester and Speaker—24.

Those who voted in the negative, were

Messrs. Backus, Blocksom, Burns, Byers, Dimmock, Evans, Goddard, Swift and Whitman—9.

So the amendment was agreed to.

The question being on the engrossment of the bill.

Mr. Archbold moved to amend, to come in after the word "Tillotson,"—"and shall inherit the property of the said Zadoek Tillotson, as his lawful heir, in case he shall die intestate"—which was agreed to.

The question recurred on ordering the bill to be engrossed.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 21, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Bennett, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Graham, Haines, Hendricks, Kendall, Lewis, Myers, Scott, Vinal, Wilson and Speaker—21.

Those who voted in the negative, were

Messrs. Backus, Blocksom, Burns, Byers, Chase, Dimmock, Evans, Goddard, Swift, Whitman and Worcester—11.

So the bill was ordered to be engrossed.

Ordered that the bill be read a third time to-morrow.

Mr. Blocksom, from the standing committee on Railroads and Turnpikes, to which was referred Senate bill No. 78: To incorporate the Lower Sandusky and Sandusky City Plank Road Company, have had the same under consideration and report it back without amendment, and recommend that it be engrossed. Agreed to.

The same gentleman, from the same committee, to which was reported Senate bill No. 60: To amend the act incorporating the Cincinnati, Lebanon & Springfield Turnpike Company, have had the same under consideration and report it back without amendment, and recommend its engrossment. Agreed to.

The same gentleman, from the same committee, to which was referred Senate bill No. 45: To lay out and establish a free turnpike road from Sidney to St. Marys, have had the same under consideration, and report it back without amendment, and recommend its engrossment. Agreed to.

The same gentleman, from the same committee, to which was referred Senate bill No. 55: To establish a free turnpike road from Sugar Valley to Camden, in Preble county, report the same back without amendment, and recommend its engrossment. Agreed to.

Ordered that said bills be read a third time to-morrow.

Mr. Vinal, from the standing committee on enrollment, made the following report:

The standing committee on enrollment report, that they have examined Senate joint resolution, relative to retaining Mrs. Lois Beach, in the Lunatic Asylum.

Also, an act to incorporate the Hamilton, Rossville, Millville & Scipio Turnpike Road Company.

Also, an act to organize school district No. 7, Liberty township, Clinton county.

Also, an act to incorporate the Norwalk Plank Road Company, and find the same correctly enrolled.

Mr. Myers, from the standing committee on Roads and Highways, to which was referred S. No. 82: To amend an act entitled "an act to establish a free turnpike road from Marysville, in Union county, to Kenton, in Hardin county, reported the same back and recommended its engrossment, which was agreed to.

The same gentleman, from the same committee, to which was referred S. 83: To authorize the trustees of townships in the county of Brown, to levy an additional road tax, reported the same back with one amendment, which was agreed to, and recommended its engrossment. Agreed to.

Mr. Hendricks, from the standing committee on railroads and turnpikes, to which was referred S. 83: To establish a free turnpike road from Eaton, in Preble county, by way of West Florence, and thence west on the Boston State road, to the Indiana State line, reported the same back and recommended its engrossment. Agreed to.

Mr. Dimmock, from a majority of the standing committee on public printing, made the following report:

[See Appendix, p. 21.]

Mr. Blake, from a minority of the same committee, made the following report:

[See Appendix, p. 23.]

Laid on the table.

Mr. Vinal, from the select committee on the subject, introduced the following bill:

S. 133: To incorporate the Springfield & Northampton Turnpike Company.

Said bill was read the first time.

Mr. Goddard, from the joint select committee on rules, for the government of both Houses, made the following report:

[*See Appendix, p. 415.*]

Mr. Byers moved to amend rule 21, as follows:

Strike out the word "doorkeepers," and insert "sergeant-at-arms," and strike out "sergeant-at-arms," and insert "door-keepers," which was agreed to.

The rules as amended were then agreed to.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 126; To lay out and establish a free turnpike from the McCutchenville road to the Maumee and Western Reserve Road in Wood county.

S. No. 127; To provide for the construction of culverts and gates in mill dams in the township of Sylvania, in the county of Lucas.

S. No. 128; To create the superior court of Toledo.

S. No. 129; To lay out and establish a State road in the counties of Guernsey and Coshocton.

S. No. 130; To amend the act entitled "an act to incorporate the Ripley and Hillsborough Turnpike Company," passed February 19, 1833.

S. No. 131; To amend the act entitled "an act to incorporate the Milford and Chillicothe Turnpike Road Company," passed February 11, 1832.

H. No. 79; To revive a certain act therein named.

H. No. 104; To fix permanently the times of holding the courts of common pleas in the second judicial circuit.

S. No. 132; To incorporate the Conneaut and Youngstown Plank Road Company.

The following bills were read a third time and passed:

S. No. 65; For the relief of the Harrison, New Trenton, Rochester, and Brookville Turnpike Company.

S. No. 47; To establish a free turnpike road from Carlton, in Montgomery county by way of Farmersville, Dunker's Church, and Deniston's mills, to Eaton, in Preble county.

S. No. 12; To incorporate the Springfield Hydraulic Company.

H. No. 19; To extend the corporate limits of the town of Germantown.

Ordered that the titles be as aforesaid.

The following bill was read the third time:

S. No. 79; To amend the act to incorporate the Eclectic Medical Institution of Cincinnati, passed March 10, 1845.

The question being on agreeing to the title,

Mr. Bennett moved to amend the title as follows:

Strike out "institution" and insert "institute;" which was agreed to. The title as amended was agreed to and the bill was passed.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 32; To incorporate the Lower Sandusky Plank Road Company.

H. No. 114; To incorporate the town of St. Clairsville, in Belmont county.

Said bills were severally read the first time.

The following bills have been introduced into the House and read the first time:

H. No. 190; To amend the act entitled an act to incorporate the town of Xenia, in the county of Green, passed February 9, 1830, and for other purposes.

H. No. 191; To amend the act entitled an act to create the office of Attorney General, and to prescribe his duties, passed February 16, 1846, and the act amendatory thereto.

H. No. 192; For the more speedy administration of justice in Hamilton county.

H. No. 193; For the relief of the sufferers by the flood at Massillon, occasioned by the breaking of the Sippo Reservoir dam.

H. No. 194; Amendatory of the act entitled an act to authorize copies of entries and surveys to be made in the Virginia Military District.

H. No. 195; To incorporate the Mad River and Miami Central Railroad Company.

H. No. 196; To lay out and establish a graded State road in the counties of Athens and Jackson.

The House has passed the following bills:

H. No. 155; To fix the times of holding the court of common pleas in the tenth judicial circuit.

Said bill was read the first time.

S. No. 88; To fix the times of holding the court of common pleas in the eighth judicial circuit, with an amendment, in which the concurrence of the Senate is requested.

S. No. 13; To incorporate the Springfield and Columbus Railroad Company, with an amendment, in which the concurrence of the Senate is requested.

Attest:

STANLEY MATTHEWS, Clerk.

On motion,

Said Senate bill No. 13 was referred to a select committee of one—Mr. Dennison.

On motion,

Said Senate bill No. 88 was referred to a select committee of one—Mr. Goddard.

The Speaker laid before the Senate the report of the Medical College of Ohio.

[See Vol. Pub. Doc.]

Laid on the table.

Mr. Whitman gave notice that on to-morrow or some subsequent day of the session he would ask leave to introduce a bill to fix permanently the times of holding the courts of common pleas in the 6th judicial circuit.

On motion of Mr. Wilson,

Whereas, the Secretary of State alleges, in his report relative to printing paper, that some 1,200 reams are now in possession of Charles Scott, and about 600 in his own possession; and that by placing the paper in possession of Mr. Scott a saving is made in rent; and that the paper was damaged in its former place of deposit, but is more secure in the hands of third persons; therefore,

Resolved, That the standing committee on Printing be instructed to examine the condition of the paper in possession of the Secretary of State, as well as that in possession of C. Scott, and to compare the relative fitness of each place of deposit; and if in their opinion the security of said paper and the interest of the State require a removal, report the same to the Senate as soon as practicable.

Mr. Wilson offered the following joint resolution:

Resolved by the Senate and House of Representatives, That the committees on printing of each House be and are hereby authorized to receive of the Secretary of State so much of the paper belonging to the State as shall in their opinion be necessary for the use of each during the present session.

Laid on the table.

On motion of Mr. Bennett,

The report of the Ohio Medical College was taken up and referred to the standing committee on Medical Colleges and Societies.

Mr. Dennison, in accordance with previous notice, introduced the following bill:

S. No. 134; A bill to amend an act entitled an act for the appointment of certain officers therein named, passed Feb. 17, 1831.

Mr. Archbold, on leave, from the standing committee on the Judiciary, introduced the following bill:

S. No. 135; A bill to amend the act entitled an act relating to wills, passed March 23, 1840, and for other purposes.

Said bills were severally read the first time.

On motion of Mr. Evans,

The motion to reconsider the vote on the report from the standing committee on New Counties, was taken from the table.

The question being on reconsidering the vote,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative were

Messrs. Archbold, Blake, Blocksom, Bennett, Burns, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Hendricks, Judy, Kendall, Lewis, Myers, Scott, Vinal and Wilson—20.

Those who voted in the negative were

Messrs. Ankeny, Backus, Beaver, Byers, Dimmock, Goddard, Graham, Haines, Swift, Whitman, Worcester and Speaker—12.

So the question was carried and the vote reconsidered.

Mr. Goddard moved to lay the report and resolution on the table.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Beaver, Blocksom, Bennett, Byers, Dimmock, Goddard, Graham, Haines, Scott, Swift, Whitman, Worcester and Speaker—15.

Those who voted in the negative, were

Messrs. Archbold, Blake, Burns, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Hendricks, Judy, Kendall, Lewis, Myers, Vinal and Wilson—18.

So the motion was lost.

Mr. Corwin moved that the report and resolution be indefinitely postponed.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted yeas 17, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blake, Burns, Chase, Claypool, Conklin, Corwin, Dennison, Emrie, Evans, Judy, Kendall, Lewis, Myers, Scott, Vinal and Wilson—17.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Beaver, Bennett, Blocksom, Byers, Dimmock, Goddard, Graham, Haines, Hendricks, Swift, Whitman, Worcester and Speaker—15.

So the report and resolution were indefinitely postponed.

Mr. Scott gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to establish a land office at Defiance, and to abolish the offices at Lima and Perysburgh.

Mr. Vinal, in accordance with previous notice, introduced the following bill:

S. No. 136; To incorporate the South Charleston and Washington Turnpike Company.

Said bill was read the first time.

On motion of Mr. Blake,

His resolutions, relative to slavery, were taken from the table and referred to the standing committee on Federal Relations.

On motion of Mr. Goddard,

The committee of the whole Senate was discharged from the further consideration of H. No. 104; To fix the times of holding the courts of Common Pleas in 2d judicial circuit, and the same was referred to a select committee of one—Mr. Goddard.

Mr. Burns gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill changing the name of John Stratton to John Lafferty.

On motion of Mr. Byers,

The following was adopted:

WHEREAS, Doubts are entertained whether the act, passed January 28, 1848, amendatory to the act "for the support and better regulation of common schools in the town of Akron," passed February 8, 1847, does or does not repeal those parts of sections 5 and 7 of said last mentioned act, which authorize the raising of funds for the erection of school houses, if more than 4 mills on the dollar should be necessary for that purpose. Therefore,

Resolved, That the Judiciary committee be required to examine into the facts, and if, in their judgment, said sections or parts of sections are repealed, they are hereby instructed to introduce a bill which shall give efficiency to the act, passed Feb. 14, 1848, to provide for extending the provisions of an act entitled "an act for the support and better regulation of common schools in the town of Akron, and the amendatory acts thereto, to the cities and incorporated towns of this state.

Mr. Dubbs gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to authorize the city of Cincinnati to erect a poor house.

On motion of Mr. Hendricks.

The Senate took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Bennett,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Wilson in the chair, after some time spent therein, rose and reported the following bills, some with and some without amendments:

S. No. 80; To amend an act entitled an act to incorporate the town of Mansfield, in the county of Richland, and to repeal all acts now in force in relation thereto, passed March 13, 1843, with sundry amendments, which were agreed to.

Ordered, that the bill be engrossed and read the third time to-morrow.

S. No. 41; To repeal the act entitled "an act to create the office of Attorney General, and to prescribe his duties," and the acts amendatory thereto.

Referred to the standing committee on the Judiciary.

S. No. 42; To repeal the act entitled "an act to authorize the town of Hamilton to borrow money, and for other purposes."

Referred to a select committee of one—Mr. Chase.

S. No. 67; To incorporate the Butler Encampment, No. 7, Independent Order of Odd Fellows, with one amendment.

Referred to the standing committee on the Judiciary.

S. No. 68; To revive and amend the act for incorporation of the Huron Plank Road Company.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 84; To lay out and establish a free turnpike road from Newton, in Union county, to Delaware, in Delaware county.

Referred to the standing committee on Roads and Highways.

S. No. 85; Further to amend the act entitled "an act to provide for the internal improvement of the state of Ohio, by navigable canals.

Referred to the standing committee on the Judiciary.

S. No. 86; Authorizing the personal representative of Matthew J. Gilbert, late of Franklin county, deceased, to complete the contracts said Gilbert made in his life time, relative to real estate, and for other purposes.

Ordered to be engrossed and read the third time to-morrow.

Mr. Goddard gave notice that he would, to-morrow or some subsequent day of the session, ask leave to introduce a bill to reduce the compensation of members of the General Assembly after they shall have been in session ninety days.

Mr. Myers gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill to repeal the act, passed Feb. 24, 1848, "to provide for the extinguishment of the public debt of Ohio."

Mr. Burns, (on leave) from the standing committee on Benevolent Institutions, to which was referred the application of Jonathan Stewart for admission into the Lunatic Asylum, made the following report:

(See Appendix p. 289.)

Laid on the table.

Mr. Blocksom, in accordance with previous notice, introduced the following bill:

S. No. 137; To authorize the trustees of Perry township, in the county of Columbiana, to levy a tax to erect a town hall and market house in said township.

Said bill was read the first time.

On motion of Mr. Lewis,

Resolved, That the standing committee on Common Schools be requested to inquire into the expediency of appointing a State Superintendent, and report by bill or otherwise.

On motion of Mr. Judy,

Resolved, That the committee on Finance be instructed to examine the laws in force, for the sale of delinquent lands and lands forfeited

to the state for the non-payment of taxes, and, if necessary, report a bill so amending said laws as to enable purchasers of such lands to recover the penalty, intended by said laws, before they shall be dispossessed of said lands.

On motion of Mr. Wilson,
The Senate adjourned.

Attest:

JOHN B. KNAPP, Jr., Clerk.

WEDNESDAY, FEBRUARY 7, 1849.

Prayer by Rev. Mr. Hitchcock.

Mr. Claypool presented the remonstrance of A. D. Sproate and 62 citizens of Ross county, against the passage of the Homestead Exemption.

Mr. Emrie moved to lay the petition on the table to be printed.

Mr. Goddard moved to amend the motion by adding after the word "printed," "by Charles Scott;"

Which was lost.

The question then recurred on laying the petition on the table to be printed.

Mr. Goddard demanded a division of the question.

The question being on laying the petition on the table, was lost.

The petition was then referred to the standing committee on the Judiciary.

Mr. Lewis presented fourteen petitions from sundry citizens of Harrison and Tuscarawas counties, for the erection of the new county of Chester.

Referred to the standing committee on New Counties.

Mr. Whitman presented the petition of Joel Radabaugh and 1250 citizens of Fairfield county, praying for the election of Elias Perry as associate judge of said county.

Laid on the table.

Mr. Corwin, from the standing committee on Corporations, to which was referred S. No. 40; To incorporate the City Insurance company, reported the same back and recommend its engrossment. Agreed to.

Ordered that the bill be read a third time to-morrow.

Mr. Archbold, from the standing committee on the Judiciary, to which was referred the petition of John Britt and 69 other citizens authorizing the town council of Waverly to grant license to retail liquor.

Also, the petition of Samuel Jackson and 17 other citizens of Col-

umbiana county, to repeal all laws granting license to retail spirituous liquors.

Also, the petition of George Webster, for an amendment of the law in relation to Notaries Public.

Also the two petitions of John White and 67 others for the repeal of all laws authorizing capital punishment.

Also, Senate resolution relative to book accounts, &c.

Also, the petition of Edwin Loper for the change of the surname to that of Lathrop.

Also, the petition of John Keller and 40 other citizens of Morgan county, for the passage of a law to exempt growing crops from execution, reported the same back and asked that the committee be discharged from the further consideration on the subjects, which was agreed to.

The same gentleman from the same committee to which was referred S. No. 75; To amend the act to incorporate the city of Cleveland, and the act amendatory thereto, passed March 20, 1841, reported the same back and recommended its engrossment, which was agreed to.

Ordered that the bill be read a third time to-morrow.

Mr. Whitman, from the standing committee on schools and school lands, introduced the following bill:

S. No. 138; A bill to authorize the sale of certain school lands therein named.

Said bill was read the first time.

Mr. Whitman, from the majority of the standing committee on the Judiciary, to which was referred S. No. 18; To incorporate the Perysburg and Maumee Union Bridge company, reported the same back and recommended the postponement of the bill till the 1st Monday in December next.

Mr. Dennison, from the majority of the same committee to which was referred S. No. 26; To incorporate the Toledo Bridge Company, reported the same back and recommended the postponement of the bill till the 1st Monday in December next.

On motion of Mr. Myers,

Said bills were severally laid on the table.

Mr. Archbold, from the standing committee on the Judiciary to which was referred S. No. 50; To establish the Ten Hour System of labor in this State, reported the same back and recommended the indefinite postponement of the bill:

On motion of Mr. Burns,

The bill was laid on the table.

Mr. Blocksom, from the standing committee on Rail Roads and Turnpikes, to which was referred H. No. 13; To incorporate the Ash-tabula Central Plank Road company, reported the same back with sundry amendments, which were agreed to.

Ordered that the bill be read a third time to-morrow.

Mr. Archbold, from the standing committee on the Judiciary to which was referred S. No. 44; To repeal certain bank charters therein named, reported the same back and recommended the indefinite postponement of the bill.

On motion of Mr. Myers,

The bill was laid on the table.

Mr. Conklin, from the standing committee on the currency introduced the following bill:

S. No. 139; A bill to change the City Bank of Cincinnati to a branch of the State Bank of Ohio.

Mr. Chase, from the select committee on the subject introduced the following bill:

S. No. 140; A bill to incorporate Hamilton Lodge No. 17 of the Independent Order of Odd Fellows.

Said bills were severally read the first time.

The same gentleman from the select committee to which was referred the S. No. 42; To repeal the act entitled "an act to authorize the town of Hamilton to borrow money and for other purposes," re-reported the same back and recommended its engrossment.

On motion of Mr. Mr. Corwin,

The bill was referred to the standing committee on corporations.

Mr. Dennison from the select committee to which was referred S. No. 13; To incorporate the Springfield and Columbus Rail Road company, with House amendments, reported the same back and recommended the adoption of the same, which was agreed to.

Mr. Archbold, from the select committee to which was referred H. No. 43; To regulate the levying of a tax for road purposes in the counties of Belmont and Ashtabula, reported the same back.

On motion of Mr. Ankeny,

Said bill was referred to a select committee of two—Messrs. Ankeny and Archbold.

Mr. Burns presented (on leave) two petitions from 75 citizens of Ashland county, for the election of Hugh McGuire an associate judge of said county.

Laid on the table.

Mr. Myers, on leave from the standing committee on Roads and Highways, introduced the following bill;

S. No. 141; A bill to amend an act entitled an act to establish a Free Turnpike Road from Bellefontain, Logan county, to the Indiana state line.

Said bill was read the first time.

The same gentleman from the same committee to which was referred the petition of Joseph Smith and 24 others of Ross county for a change of the manner of performing labor on roads.

Also, the petition of eighty-two citizens of Jefferson county, for the repair of the public roads and for a tax to meet the expenses thereof, reported the same back and asked to be discharged from the further consideration of the same.

Which was agreed to.

The following bills were read a second time, and committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 133; To incorporate the Springfield and Northampton Turnpike company.

H. No. 32; To incorporate the Lower Sandusky Plank Road company.

H. No. 14; To incorporate the town of St. Clairsville, in Belmont county.

H. No. 155; To fix the times of holding the court of common pleas in the tenth judicial circuit.

S. No. 134; To amend an act entitled "an act for the appointment of certain officers therein named," passed February 17, 1831.

S. No. 135; To amend the act entitled "an act relating to Wills," passed March 23d, 1840, and for other purposes.

S. No. 136; To incorporate the South Charleston and Washington Turnpike company.

S. No. 137; To authorize the trustees of Perry township in the county of Columbiana, to levy a tax to erect a town hall and market house in said township.

The following bill was read a third time.

S. No. 45; To lay out and establish a free turnpike road from Sidney to St. Marys.

Said bill was referred to a select committee of two—Messrs. Scott and Conklin.

The following bill was read a third time and passed.

S. No. 55; To establish a free turnpike road from Sugar Valley to Camden, in Preble county.

Ordered that the title be as aforesaid.

The following bill was read a third time:

S. No. 57; Making Ophelia Piper the legal heir of Zadock Tillotson of Medina county, and changing the name of said Ophelia Piper to Caroline Tillotson.

The question being, shall the bill pass?

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Graham, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Vinal, Wilson and Speaker—20.

Those who voted in the negative were

Messrs. Ankeny, Backus, Blocksom, Burns, Chase, Evans, Goddard, Scott, Swift, Whitman and Worcester—12.

So the bill passed.

Ordered that the title be as aforesaid.

The following bill was read a third time:

S. No. 60; To amend the act incorporating the Cincinnati, Lebanon and Springfield Turnpike company.

On motion,

Said bill was referred to a select committee of one—Mr. Vinal.

The following bill was read a third time and passed:

S. No. 63; To establish a free turnpike road from Eaton, in Preble

county, by way of West Florence, and thence west over the Boston State Road to the Indiana state line.

Ordered that the title be as aforesaid.

The following bill was read a third time.

S. No. 78; To incorporate the Lower Sandusky and Sandusky city Plank Road company.

Mr. Goddard moved to refer said bill to a select committee of one.

The same gentleman demanded the yeas and nays, which were ordered and resulted—yeas 14, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Bennett, Blake, Burns, Byers, Chase, Conklin, Dennison, Goddard, Haines, Hendricks, Kendall, Scott and Swift—14.

Those who voted in the negative, were

Messrs. Ankeny, Blockson, Corwin, Dimmock, Dubbs, Emrie, Evans, Graham, Judy, Lewis, Myers, Vinal, Whitman, Wilson, Worcester and Speaker—16.

So the motion was lost.

The question being, shall the bill pass,

Mr. Goddard moved to amend said bill, by way of ryder, as follows:

Reserving, however, to the General Assembly the right to tax said company and its property at any future period.

The same gentleman demanded the yeas and nays, which were ordered and resulted—yeas 28, nays 3, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Bennett, Blake, Blockson, Burns, Byers, Chase, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Judy, Kendall, Lewis, Myers, Scott, Swift, Vinal, Whitman, Wilson and Worcester—28.

Those who voted in the negative, were

Messrs. Beaver, Hendricks and Speaker—3.

So the amendment was agreed to and the bill passed.

Ordered that the title be as aforesaid.

The following bills were read a third time and passed:

S. No. 80; To amend an act entitled an act to incorporate the town of Mansfield, in the county of Richland, and to repeal all acts now in force in relation thereto, passed March 13, 1845.

S. No. 82; To amend an act entitled "an act to establish a Free Turnpike Road from Marysville in Union county, to Kenton, in Hardin county.

Ordered that the titles be as aforesaid.

The following bill was read a third time:

S. No. 83; To authorize the trustees of townships in the county of Brown to levy an additional road tax.

The question being, shall the bill pass,

Mr. Goddard demanded the yeas and nays, which were ordered, and resulted—yeas 24, nays 6, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Corwin, Dimmock, Dubbs, Emrie, Evans, Graham, Haines, Hendricks, Judy, Lewis, Myers, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—24.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Conklin, Goddard and Kendall—6.

So the bill passed.

Ordered that the title be as aforesaid.

The following bill was read a third time and passed:

S. No. 86; Authorizing the personal representative of Matthew J. Gilbert, late of Franklin county, deceased, to complete the contracts said Gilbert made in his life-time, relative to real estate, and for other purposes.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills to which the signature of the Speaker of the Senate is requested.

An act to amend an act entitled an act prescribing the times of holding the courts of common pleas in the third judicial circuit, passed January 5, 1848.

An act to incorporate the Evangelical Lutheran St. John Congregation of Springfield, Clark county, Ohio.

An act to incorporate the Rossville and Millville turnpike road company.

An act to incorporate the trustees of the Ohio Institute of Natural Science.

Also, the following enrolled resolution to which the signature of the Speaker of the Senate is requested:

Joint resolution relative to the Postage law.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the amendments of the Senate to House bill No. 52; To authorize the establishment of separate schools for the education of the colored children, and for other purposes.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

H. No. 136; To incorporate the Oxford Female Institute at the town of Oxford, in the county of Butler.

H. No. 88; To incorporate the Farmington Normal School, in the county of Trumbull.

H. No. 73; To incorporate the town of Youngstown, in the county of Mahoning.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were read the first time.

Message from the House of Representatives:

Mr. Speaker:

The following bills have been introduced and read the first time:

H. No. 197; To restore John Kidwell to his legal rights and privileges.

H. No. 198; To revive and amend an act entitled an act to incorporate the Tiffin Savings Institution, passed March 3, 1834.

H. No. 199; To amend the act defining the powers and duties of justices of the peace and constables in civil cases.

H. No. 200; To amend the act entitled an act to incorporate the Tiffin and Findley Plank Road company, passed February 24, 1848.

H. No. 201; To incorporate the Union Society of Oberlin Collegiate Institute.

H. No. 202; To amend an act prescribing the duties of Supervisors and relating to roads and highways, passed March 20, 1837.

H. No. 203; To regulate proceedings before justices of the peace in criminal cases.

H. No. 204; To incorporate the Miamisburg Western Free Turnpike Road company.

H. No. 205; To incorporate the Troy, Stanton and Loss Creek Turnpike Road company.

H. No. 206; To incorporate the city of Milan in Erie county.

H. No. 207; To authorize the trustees of Upper township, in Lawrence county, to levy taxes for certain purposes.

The House has also passed the following bill:

H. No. 78; Further to amend an act entitled an act for the incorporation of townships, passed March 5, 1831.

Said bill was read the first time.

The House has indefinitely postponed the following bill:

S. No. 62; To amend the act entitled "an act prescribing the times of holding the courts of common pleas in the seventeenth judicial circuit," passed February 18, 1848.

The House has also passed the following joint resolution in which the concurrence of the Senate is requested:

Relative to the admission of Louisa Sheldon into the Lunatic Asylum.

Attest:

STANLEY MATTHEWS, Clerk.

House resolution was referred to the standing committee on Benevolent Institutions.

Mr. Dubbs, in accordance with previous notice, introduced the following bill:

S. No. 142; To authorize the city of Cincinnati to build a poor house.

Mr. Burns, in accordance with previous notice, introduced the following bill:

S. No. 143; To change the name of John Straton.

On motion of Mr. Goddard,

The constitutional rules were suspended and said bill was read a second time and referred to the standing committee on the Judiciary.

Mr. Goddard, in accordance with previous notice, introduced the following bill:

S. No. 144; To reduce the compensation of members of the General Assembly after the same shall have been in session ninety days.

Said bills were severally read the first time.

Mr. Archbold gave notice that on to-morrow or some subsequent day of the present session he would introduce a bill supplementary to the acts concerning divorce and alimony.

Mr. Chase gave notice that on to-morrow or some subsequent day of the present session he would ask leave to introduce a bill to prevent the further immigration of blacks and mulatto persons into this State.

Mr. Dennison gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill to incorporate the Columbus and Blenden Turnpike company.

On motion of Mr. Evans,

The committee of the whole Senate was discharged from the further consideration of House bill No. 155; Fixing the times of holding courts of common pleas in the tenth judicial circuit, and the same was referred to a select committee of two—Messrs. Emrie and Evans.

On motion of Mr. Dennison,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Goddard, in accordance with previous notice, introduced the following bill:

S. No. 145; A bill to amend the act to authorize Muskingum county and the town of Zanesville to subscribe to the capital stock of the Central Ohio Rail Road.

Said bill was read the first time.

Mr. Evans, on leave, from the select committee on the subject, to which was referred H. No. 155; To fix the times for holding the court of common pleas in the tenth judicial circuit, reported the same back and recommended it be ordered to a third reading, which was agreed to.

The bill was then read a third time and passed.

Ordered that the title be as aforesaid.

On motion of Mr. Bennett,

The Senate resolved itself into the committee of the whole on the

orders of the day, Mr. Hendricks in the chair, and after some time spent therein, rose and reported the following bills, some with and some without amendments.

S. No. 90; To incorporate the St. Marys and Wilshire Plank Road company.

S. No. 91; Supplementary to the act entitled an act to incorporate the Troy and Newton Turnpike company.

S. No. 92; Further to amend the act entitled an act to incorporate the Toledo, Sandusky and Michigan City Rail Road company, and the several acts amendatory thereto.

Said bills were severally referred to the standing committee on Rail Roads and Turnpikes.

S. No. 93; To change the name of Elizabeth A. Degraw.

Referred to the standing committee on the judiciary.

S. No. 94; To amend an act entitled an act to incorporate the Cincinnati Insurance company, passed February 7, 1829, with amendments which were agreed to.

S. No. 95; To amend an act entitled an act to incorporate the Firemen's Insurance company of Cincinnati, passed January 9, 1832, with amendments which were agreed to.

S. No. 96; To amend an act entitled an act to incorporate the Washington Insurance company of Cincinnati, passed March 14, 1836, with amendments, which were agreed to.

S. No. 97; To amend an act entitled an act to incorporate the Manufacturers Insurance company of Cincinnati, passed March 15, 1838, with amendments, which were agreed to.

Said bills were severally ordered to be engrossed and read a third time to-morrow.

Mr. Goddard from the select committee to which was referred H. No. 104; to fix permanently the times of holding the Courts of Common Pleas in the second Judicial Circuit, reported the same back with sundry amendments, which were agreed to.

The bill was then read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Backus moved the Senate resolve itself into the committee of the whole on the special order of the day, Senate Bill No. 39; making appropriations for the year 1849.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Vinal and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmeck, Dubbs, Emrie, Evans, Graham, Myers, Scott, Swift and Whitman—15.

So the motion was lost.

Mr. Ankeny moved the Senate resolve itself into the committee of the whole on the orders of the day.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Scott, Swift, Whitman and Speaker—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall and Vinal—13.

So the motion was carried.

The Senate resolved itself into the committee of the whole on the orders of the day; Mr. Ankeny in the chair and after some time spent therein, rose and reported the following bill:

S. No. 98; To incorporate the Malta and Putnam Plank Road Company, with amendments.

Referred to the standing committee on Rail Roads and Turnpikes.

Mr. Goddard moved the Senate resolve itself into the committee of the whole on the special order of the day, being Senate bill No. 89; making appropriations for the year 1849.

Mr. Archbold moved a call of the Senate which was ordered, and Messrs. Ewing, Horton, Lewis, Patterson and Wilson, were found absent.

On motion,

All the absentees were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on going into the committee of the whole on the special order.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Vinal and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Scott, Swift and Whitman—15.

So the motion was lost.

On motion of Mr. Corwin,

The committee of the whole was discharged from the farther consideration of H. No. 61; for the relief of John D. Burrill, and the bill was

Referred to a select committee of one—Mr. Corwin.

On motion of Mr. Worcester,

The committee of the whole was discharged from the further consideration of S. No. 117; to provide for the sale of the Western Reserve school lands, the bill was

Referred to a select committee of one—Mr. Worcester.

Mr. Hendricks moved the Senate resolve itself into the committee of the whole on the orders of the day.

The same gentleman moved the Senate adjourn, which having the precedence, was put first.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted—yeas 11, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Beaver, Blake, Bennett, Chase, Claypool, Corwin, Dabbs, Emrie, Hendricks and Judy—11.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Blockson, Burns, Byers, Conklin, Donison, Dimmock, Evans, Goddard, Graham, Haines, Kendall, Myers, Scott, Swift, Vinal, Whitman and Speaker—19.

So the Senate refused to adjourn.

The question then being on going into the committee of the whole, was agreed to.

So the Senate resolved itself into the committee of the whole on orders of the day, Mr. Judy in the chair, and after some time spent therein, rose and reported back the following bills with amendments, which were agreed to.

S. No. 99; To incorporate the Zanesville Gas Light Company.

Referred to the standing committee on corporations.

S. No. 100; To amend the act to incorporate the Central Ohio Rail Road Company.

Referred to a select committee of one—Mr. Goddard.

On motion of Mr. Whitman,

The following was adopted:

WHEREAS, The Senate passed a resolution on the 4th of January last, calling upon the State Auditor for certain information in relation to taxes paid by banks, &c.; and whereas, the said Auditor has not replied to said resolution—Therefore

Resolved, That the said State Auditor be requested forthwith to inform the Senate why he has not answered said resolution.

On motion of Mr. Evans,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of so amending the "stray laws," that persons taking up hogs, sheep or neat cattle of less value than eight dollars, shall not be required to file a description of such animal with the clerk of the court, but that a description of all strays under the value of eight dollars, shall be filed with each justice of the peace in the township where such animal is taken up, and that the said committee report by bill or otherwise.

Mr. Ewing asked leave to record his vote on the passage of H. bill No. 52; to authorize the establishment of separate schools for the education of colored children and for other purposes, which was granted. Thereupon Mr. Ewing's name was called and he voted nay.

On motion of Mr. Wordester,
The following was adopted:

WHEREAS, under the act of Congress of June 19, 1834, there are now due to the State of Ohio, for the support of schools in the Connecticut Western Reserve, 8,354 acres of land as a portion of the grant made by the act aforesaid—Therefore

Resolved, by the General Assembly of the State of Ohio, That the Governor be requested at his earliest convenience, to take such measures as in his discretion he shall deem proper for the speedy settlement of said claim, and for the securing to the State the lands still due under said grant.

On motion of Mr. Vinal,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of revising and collating the Militia laws of Ohio.

On motion of Mr. Bennett,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

THURSDAY, FEBRUARY 8, 1849.

Prayer by the Rev. Mr. Brooks.

Mr. Byers presented the petition of H. L. Wolford and 53 other citizens of Wayne county, for the election of John Larwill, Associate Judge.

Laid on the table.

Mr. Ankeny presented the remonstrance of John Finley and 142 citizens of Guernsey county, against the erection of the new county of Cumberland.

Laid on the table.

Also the petition of W. Hathaway and 9 others, in relation to authorizing the Warden of the Penitentiary, to employ an additional guard as night watch to said Institution.

Referred to the standing committee on the Penitentiary.

Mr. Burns presented the petition of 28 citizens of Richland county, for the election of Dr. Wm. Bushnell, as an Associate Judge of said county.

Also the petition of 52 citizens of the same county, for the election of Samuel Linn, as an Associate Judge of the same county.

Laid on the table.

Mr. Myers presented the petition of 16 citizens of Henry county, for the election of David Harley, as an Associate Judge for said county.

Laid on the table.

Also the petition of 18 citizens of Henry county, for the erection of a new county, and remonstrating against the erection of the new county of Fulton.

Also the petition of 46 voters of Freedom, Henry county, on the same subject.

Referred to the standing committee on new counties.

Mr. Backus presented the remonstrance of William A. Otis and other citizens of Cleveland, against a charter for a Plank Road from Cleveland to Doan's Corners.

Referred to a select committee of one—Mr. Backus.

Mr. Dennison presented the petition of Jacob Grubb and others, for authority to sell real estate to build a school house in the town of Franklinton.

Referred to a select committee of one—Mr. Dennison.

Mr. Goddard presented the annual report of the Trustees of the Ohio University.

Referred to the standing committee on Universities, Colleges and Academies.

Mr. Kendall presented the petition of 44 citizens of Scioto and Lawrence counties, for the repeal of a law appointing commissioners to lay out a state road.

Referred to the standing committee on Roads and Highways.

Mr. Ankeny presented the memorial of Eli Nichols, in relation to the new county of Walhonding.

Referred to a select committee of one—Mr. Ankeny.

Mr. Whitman presented the petition of sundry citizens of Winchester, Fairfield county, to legalize a change in the town plat.

Referred to a select committee of one—Mr. Whitman.

Mr. Corwin from the standing committee on corporations to which was referred H. No. 34, to incorporate the Locust Street Wharf Company of Gallipolis, reported the same back with sundry amendments,

Which was agreed to.

Ordered that the bill be read a third time to-morrow.

Mr. Archbold from the standing committee on the judiciary to which was referred S. No. 34, to amend the act relating to juries, reported the same back with sundry amendments, and recommended the engrossment of the bill.

Mr. Goddard moved to recommit the bill and amendment to the judiciary committee with instructions to report a bill authorizing the summoning of 15 petit jurors at each term.

Mr. Archbold called for a division of the question.

The question recurred on recommitting.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted—yeas 6, nays 28, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Blake, Claypool, Corwin, Goddard and Vinal—6,

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Blocksom, Bennett, Burns, Byers, Chase, Conklin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Scott, Swift, Whitman, Wilson, Worcester and Speaker—28.

So the motion was lost.

Mr. Archbold moved to recommit the bill to a select committee of five:

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted—yeas 23, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Bennett, Blake, Blocksom, Corwin, Dimmock, Dubbs, Emrie, Ewing, Goddard, Graham, Haines, Hendricks, Judy, Lewis, Myers, Swift, Vinal, Whitman, Wilson and Speaker—23.

Those who voted in the negative, were

Messrs. Beaver, Burns, Byers, Chase, Claypool, Conklin, Dennison, Evans, Kendall, Scott and Worcester—11.

So the motion was carried.

The bill was referred to a select committee of five—Messrs. Archbold, Backus, Ewing, Conklin and Corwin.

Mr. Backus from the standing committee on Finance to which was referred the petition of Margaret and Benoni Staats, for an alteration in the tax law, reported the same back and asked to be discharged from the further consideration of the subject.

Agreed to.

The same gentleman from the same committee to which was referred S. No. 3; granting to actual settlers the unsold and unappropriated lands belonging to the State of Ohio, reported the same back and recommended the indefinite postponement of the bill.

On motion of Mr. Beaver,

The bill was referred to a select committee of one—Mr. Beaver.

The same gentleman from the same committee to which was referred S. No. 72; to provide for taxing certain lands sold by the United States, reported the same back with sundry amendments,

Which were agreed to.

Ordered that the bill be engrossed and read a third time to-morrow.

The Speaker laid before the Senate a special report from the Governor, transmitting a copy of the law of Pennsylvania, in relation to the Ohio and Pennsylvania Rail Road.

(See Pub. Doc.)

Referred to a select committee of one—Mr. Beaver.

Mr. Myers from the standing committee on Roads and Highways to which was referred S. No. 84; to lay out and establish a Free Turnpike Road from Newton, in Union county, to Delaware, in Delaware county, reported the same back and recommended it engrossment; agreed to.

Ordered that the bill be read a third time to-morrow.

Mr. Corwin from the select committee on the subject to which was referred H. No. 61; for the relief of John D. Burrill, reported the same back with an amendment,

Which was agreed to.

The question being on ordering the bill to a third reading.

Mr. Burns moved a call of the Senate which was ordered, and Messrs. Horton, Lewis, Patterson and Whitman, were absent.

On motion of Mr. Dimmock,

All further proceedings under the call were dispensed with.

On motion of Mr. Bennett,

The Senate took a recess.

THREE O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Archbold, Blockson, Conklin, Corwin, Lewis, Scott, Swift and Worcester, were found absent.

On motion of Mr. Vinal,

All further proceedings under the call were dispensed with.

On motion of Mr. Goddard,

H. No. 61; For the relief of John D. Burrill, was referred to a select committee of one—Mr. Goddard.

Mr. Vinal from the select committee on the subject to which was referred S. No. 60; to amend the act incorporating the Cincinnati, Lebanon and Springfield Turnpike Company, reported the same back with one amendment,

Which was agreed to.

The bill was then passed.

Ordered that the title be as aforesaid.

Mr. Goddard from the select committee on the subject to which was referred S. No. 100; to amend the act to incorporate the Central Ohio Rail Road Company, reported the same back with sundry amendments,

Which were agreed to.

Ordered that the bill be engrossed and read a third time to-morrow.

Mr. Ankeny from the select committee on the same subject to which was referred H. No. 43; to regulate the levying of a tax for road purposes, in the counties of Belmont and Ashtabula, reported the same back with sundry amendments,

Which were agreed to.

The bill was then passed.

Ordered that the title be as aforesaid.

Mr. Worcester from the select committee on the subject to which

was referred S. No. 117; to provide for the sale of the Western Reserve school lands, reported the same back with one amendment,

Which was agreed to.

Ordered that the bill be engrossed and read a third time to-morrow.

Mr. Wilson from the select committee on the subject, introduced the following bill:

S. No. 148; A bill to incorporate the town of New Fort Ball, in Clinton township, Seneca county.

Said bill was read the first time.

Mr. Myers (on leave) presented the petition of 59 citizens of Swan Creek township, Lucas county, for an alteration in the school laws.

Referred to the committee on schools and school lands.

The following bills were severally read a second time, and committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 138; To authorize the sale of certain school lands therein named.

S. No. 139; To change the City Bank of Cincinnati, to a branch of the State Bank of Ohio.

S. No. 140; To incorporate the Hamilton Lodge No 17 of the Independent Order of Odd Fellows.

S. No. 141; To amend an act entitled "an act to establish a Free Turnpike Road from Bellefontaine, Logan county, to the Indiana State Line.

H. No. 136; To incorporate the Oxford Female Institute at the town of Oxford, in the county of Butler.

H. No. 88; To incorporate the Farmington Normal school, in the county of Trumbull.

H. No. 73; To incorporate the town of Youngstown, in the county of Mahoning.

S. No. 142; To authorize the city of Cincinnati, to build a Poor House.

S. No. 144; To reduce the compensation of members of the General Assembly, after the same shall have been in session ninety days.

S. No. 145; To amend the act to authorize Muskingum county and the town of Zanesville, to subscribe to the capital stock of the Central Ohio Rail Road.

H. No. 78; Further to amend an act entitled an act for the incorporation of townships, passed March 5, 1831.

The following bill was read a third time:

S. No. 49; To incorporate the City Insurance Company.

The question being on agreeing to the title.

Mr. Ewing moved to amend as follows:

After the word "Company," add "of Cincinnati."

Which was agreed to.

The title as amended was agreed to and the bill was passed.

The following bill was read a third time.

H. No. 13; To incorporate the Ashtabula Central Plank Road Company, with amendments by way of rider.

The bill was then passed.

The following bills were read a third time.

S. No. 94; To amend an act entitled an act to incorporate the Cincinnati Insurance Company, passed February 7, 1829.

S. No. 95; To amend an act entitled an act to incorporate the Firemen's Insurance Company of Cincinnati, passed Jan. 9, 1832.

S. No. 93; To amend an act entitled an act to incorporate the Washington Insurance Company of Cincinnati, passed March 14, 1836.

S. No. 97; To amend an act entitled an act to incorporate the Manufacturers Insurance Company of Cincinnati, passed March 15, 1838.

Said bills were severally referred to a select committee of two—Messrs. Ewing and Dubbs.

The following bill was read a third time:

S. No. 75; To amend the act to incorporate the city of Cleveland, and the acts amendatory thereto.

On motion of Mr. Backus,

The bill was referred to a select committee of one—Mr. Backus.

On leave, Mr. Backus from the select committee, reported back S. bill No. 75, with amendments by way of rider, which were agreed to.

The bill was then passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 144; To authorize the sale of section 16, Plain township, Wood county.

H. No. 145; To extend the charter of the Perrysburgh Canal and Hydraulic company.

The following bills have also been introduced and read the first time:

H. No. 208; To amend the act to incorporate the Steubenville and Indiana Railroad company, passed February 24, 1848.

H. No. 209; Further to amend the act incorporating the city of Cincinnati, passed March 1, 1834.

H. No. 210; To amend an act entitled an act to incorporate the Franklin and Springborough Turnpike company in Warren county.

H. No. 211; To lay out and establish a free turnpike road from the Middletown and West Alexandrian turnpike to the West Elkton turnpike.

H. No. 212; To amend the act entitled an act to levy a tax on the income of practicing lawyers and physicians.

H. No. 213; To amend an act entitled an act for the support and better regulation of common schools and to create permanently the office of Superintendent, passed March 7, 1838.

H. No. 214; To amend an act to extend the corporate limits of the town of Circleville, and to amend the act incorporating said town, passed February 7, 1842.

H. No. 215; To incorporate the town of Millwood in Guernsey county.

H. No. 216; To authorize the town council of Miamisburgh to levy a tax to construct a free turnpike road.

H. No. 217; To authorize the sale of school section 16, in Madison township, Williams county.

H. No. 218; To authorize the sale of certain school lands in Muskingum county.

H. No. 219; To incorporate the Alexander Presbyterian Church of Hibbardsville in the county of Athens.

H. No. 220; To authorize the sale of school lands belonging to Pitt township, Wyandotte county.

H. No. 221; To incorporate the German Evangelical Lutheran and German Reformed United Protestant Congregation of Seneca township Seneca county, O.

H. No. 222; Repealing an act entitled an act incorporating the town of Benton in the county of Crawford.

H. No. 223; To lay out and establish the West Elkton free turnpike road.

The House has also agreed to the Senate amendments to House bill No. 2, to incorporate the Judson College at Jefferson, in the county of Harrison.

The House has also passed the following bills:

H. No. 96; To revive and continue in force the provisions of an act entitled an act to amend an act to incorporate the Portsmouth Dry Dock and Steamboat Basin company, passed February 14, 1846.

H. No. 111; Prescribing the times of holding courts of common pleas in the 13th judicial circuit.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were read the first time.

Mr. Conklin, on leave, from the select committee to which was referred S. No. 66, to provide for the sale of certain school lands therein named, situate in Washington township, Miami county, reported the same back with sundry amendments, which were agreed to.

The bill was then recommitted to the standing committee on Schools and School Lands.

The same gentleman, from the same committee, to which was referred S. No. 38, to authorize the town council of the town of Sidney to subscribe to the capital stock of the Sidney and Wapaukonetta Turnpike road company, reported the same back with sundry amendments, which were agreed to.

Ordered that the bill be engrossed and read a third time to-morrow.

On motion of Mr. Myers,

S. No. 18; A bill to incorporate the Perrysburgh and Maumee Union Bridge company, was taken up.

The question being on postponing the further consideration of said bill until the first Monday of December next, was agreed to.

Mr. Goddard, on leave, from the select committee to which was referred H. No. 61, for the relief of John D. Burrill, reported the same back with an amendment, which was agreed to.

The question being on ordering the bill to be read the third time,

Mr. Burns demanded the yeas and nays which were ordered, and resulted yeas 20, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Swift, Vinal, Worcester and Speaker—20.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Evans, Ewing, and Scott—10.

So the bill was ordered to a third reading.

Ordered to be read the third time to-morrow.

Mr. Bennett gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to amend an act entitled an act to amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of Superintendent, passed February 24, 1848.

Mr. Dennison, in accordance with previous notice, introduced the following bill:

S. No. 147; A bill to incorporate the Columbus and Blenden Turnpike company.

Said bill was read the first time.

Mr. Chase gave notice that on to-morrow or some subsequent day of this session, he would, on leave, introduce a bill to incorporate the Liberty township Turnpike company.

Mr. Dennison offered for adoption the following preamble and resolutions:

WHEREAS, It is ascertained that General Zachary Taylor, President elect of the United States, is on his way to Washington City for the purpose of entering upon the duties of his office; and, whereas, we recognize that General Taylor, as the President elect, is the guest of the State, and as such entitled to the respect of all, therefore,

Resolved by the General Assembly of the State of Ohio, That General Taylor, President elect of the United States is hereby invited to visit the capital of this State on his way to Washington City.

Resolved, That a committee of two members on the part of the Senate, and members on the part of the House, be appointed to wait upon General Taylor at Cincinnati, and communicate to him the foregoing resolution.

Mr. Byers demanded the yeas and nays, thereon which were ordered, and resulted yeas 24, nays 4, as follows:

Those who voted in the affirmative, were—

Messrs. Ankeny, Backus, Bennett, Blake, Blocksom, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Hendricks, Judy, Kendall, Lewis, Myers, Swift, Vinal, Wilson, Worcester and Speaker—24.

Those who voted in the negative, were

Messrs. Burns, Byers, Dimmock and Scott—4.

So the resolution was agreed to.

The Speaker appointed Messrs. Dennison and Ewing a committee on part of the Senate.

Mr. Judy gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill to incorporate the Springfield, Marysville and Delaware Railroad company.

Mr. Judy gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to authorize the trustees of townships, in the county of Union, to levy an additional road tax.

Mr. Corwin gave notice that he would on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to authorize the trustees of Marion and Jefferson townships, in the county of Clinton, to borrow money and for other purposes.

On motion of Mr. Worcester,

The constitutional rule was dispensed with, and H. No. 111; Prescribing the times of holding courts of common pleas in the thirteenth Judicial circuit, and the bill was read the second time.

On motion of Mr. Byers,

Resolved, That the Warden of the Ohio Penitentiary, be requested to communicate to this Senate the compensation paid to the Warden, Clerk, and other officers of said prison for the past year, specifying the sum paid each per quarter, the amount of pay deducted from each per quarter for absence or sickness, and the time each has been absent by leave or otherwise.

Mr. Emrie offered for adoption the following:

Resolved, By the General Assembly of the State of Ohio, that the printing of the volumes of public documents of this General Assembly, be given to Charles Scott; that the printing of the local and general laws that have been or may be passed by the present General Assembly, be given to Jonathan Phillips; and that the Clerks of the two Houses contract for the printing of the journals, bills, &c., of their respective Houses. *Provided* that all the above mentioned work shall be executed at prices not exceeding those authorized to be paid for the printing of the last General Assembly, and that the fifth section of the law "to provide for the state printing," passed March 12, 1845, shall be strictly and liberally construed in relation to the manner of the printing, and in making up the accounts therefor; and, provided further, that said Scott and Phillips shall credit on their respective accounts for the printing to be executed by them under this resolution, any paper or

moneys advanced to them by any officer of this State, on account of any printing to be by them done for the General Assembly.

Mr. Goddard moved a call of the Senate, which was ordered, and Messrs. Archbold, Beaver, Claypool, Horton, Patterson and Whitman were absent.

On motion of Mr. Goddard,

All further proceedings under the call were dispensed with.

The question being on the adoption of the resolution.

Mr. Corwin moved the Senate adjourn.

Mr. Burns demanded the yeas and nays, which were ordered and resulted yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Scott, Swift, Wilson—15.

So the Senate refused to adjourn.

The question then recurring on the adoption of the resolution, Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 13, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Scott, Swift and Wilson—13.

Those who voted in the negative, were

Messrs. Backus, Bennett, Blake, Chase, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Vinal, Worcester, and Speaker—17.

So the motion was lost.

On motion of Mr. Bennett,

The committee of the whole were discharged from the further consideration of H. No. 111.

Ordered to a third reading to-morrow.

Mr. Ankeny, on leave from the select committee on that subject, introduced the following bill:

S. No. 148; A bill to erect the county of Walbonding.

Mr. Chase, in accordance with previous notice, introduced the following bill:

S. No. 149; A bill to prevent the further immigration of blacks and mulatto persons into this state.

Said bills were severally read the first time.

Mr. Backus gave notice that on to-morrow or upon some subsequent day of the session, he should ask leave to introduce a bill to incorporate the New England Hotel company.

Mr. Burns, from the standing committee on benevolent and public institutions, to which was referred House joint resolution relative to the admission of Louisa Sheldon into the lunatic asylum, reported the same back and recommended its adoption, which was agreed to.

Mr. Myers, in accordance with previous notice, introduced the following bill:

S. No. 150; A bill to repeal an act entitled an act to provide for the extinguishment of the public debt of Ohio.

Said bill was read the first time.

On motion of the same gentleman,

S. No. 26; To incorporate the Toledo Bridge company was taken up, and postponed until the first Monday in December next.

On motion of Mr. Wilson,

The committee of the whole were discharged from the further consideration of H. No. 90; To amend a part of the act incorporating the town of Steubenville.

Referred to a select committee of one—Mr. Wilson.

On motion of Mr. Scott,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

FRIDAY, FEBRUARY 9, 1849.

Mr. Wilson presented the petition and recommendations of Gen. J. Hildebrand, for improvements in the militia laws, by organizing Volunteer companies.

Mr. Burns presented the petition of Gen. Meredith, Gen. Wm. McLaughlin and others, praying for the establishment of a new brigade in Ashland county.

Also the petition of Captain J. S. Fulton and 85 others of Ashland county, on the same subject.

Also the petition of George W. Urie and 102 other citizens of Ashland county, on the same subject.

Said petitions were severally referred to the standing committee on militia.

Mr. Patterson presented the petition of William S. Wright and 67 citizens of Licking county, for a law to tax dogs.

Referred to the standing committee on agriculture.

Mr. Worcester presented the petition of S. W. Baker and 88 other citizens, for the repeal of all laws in force for the sale of intoxicating liquors.

Mr. Beaver presented the petition of G. H. Snyder and sundry other citizens of Stark county, for the passage of the Homestead law.

Said petitions were referred to the standing committee on the Judiciary.

Mr. Whitman presented the petition of 805 citizens of Fairfield county, for the election of Peter Hay an associate judge of said county.

Laid on the table.

Mr. Myers presented the petition of 22 voters of Harrison township, Henry county, for the erection of a new county, and against the new county of Fulton.

Referred to the standing committee on new counties.

Mr. Corwin, from the standing committee on corporations, to which was referred S. No. 81; To authorize the city council of Cincinnati, to borrow such sums of money as may be required for the improvement of the city water works, reported the same back.

On motion of Mr. Dubbs,

Said bill was referred to a select committee of two—Messrs. Dubbs and Ewing.

Mr. Dimmock, from the standing committee on new counties, made the following report:

The standing committee on new counties, to whom were referred petitions, praying for the following new counties, viz: Chester, Orange, Fulton and Walhonding, have had the same under consideration and unanimously report:

That they deem it inexpedient to erect any new counties at this session—and that the further consideration of the petitions be postponed until the first Monday of December next.

The committee believing that the interests of the petitioners will not be prejudiced by this delay, and that the general interests of the whole state may thereby be promoted; and feeling a strong disinclination to go into a thorough examination of these conflicting claims, respectfully ask to be discharged from the further consideration of the subject.

Respectfully submitted.

The question being on discharging the committee from the further consideration of the subject,

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 19, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Bennett, Blocksom, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Patterson, Scott, Swift, Whitman and Worcester—19.

Those who voted in the negative, were

Messrs. Beaver, Blake, Burns, Claypool, Conklin, Corwin, Dennison, Ewing, Judy, Kendall, Lewis, Myers, Vinal and Wilson—14.

So the committee were discharged.

Mr. Blocksom, from the standing committee on railroads and turnpikes, to which was referred S. No. 91; Supplementary to the act entitled an act to incorporate the Troy and Newton turnpike company, reported the same back without amendment, and recommended its engrossment, which was agreed to.

The same gentleman from the same committee, to which was referred S. No. 92; Further to amend the act entitled an act to incorporate the Toledo, Sandusky and Michigan city railroad company, and the several acts amendatory thereto, reported the same back, and recommended its engrossment, which was agreed to.

The same gentleman from the same committee, to which was referred H. No. 7; To establish a free turnpike road from Springboro' to Ridgeville, in Warren county, reported the same back, without amendment, and recommended its being ordered to a third reading, which was agreed to.

Said bills were ordered to a third reading tomorrow.

Mr. Backus, from the select committee on the subject, introduced the following bill:

S. No. 151; To incorporate the Cleveland and Willoughby plank road company.

Mr. Ewing, from the select committee to which were recommitted S. No. 94; To amend an act entitled an act to incorporate the Cincinnati insurance company, passed Feb. 7, 1829.

S. No. 95; To amend an act entitled an act to incorporate the firemen's insurance company of Cincinnati, passed January 9, 1832.

S. No. 96; To amend an act entitled an act to incorporate the Washington insurance company of Cincinnati, passed March 14, 1836.

S. No. 97; To amend an act entitled an act to incorporate the manufactures insurance company of Cincinnati, passed March 15, 1838, Reported the same back.

Said bills were then severally passed.

Ordered that the titles be as aforesaid.

Mr. Swift, from the select committee on the subject, introduced the following bill:

S. No. 152; A bill to repeal an act entitled an act to regulate sale of intoxicating liquors in the town of Cuyahoga Falls.

Said bill was read the first time.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. No. 146; To incorporate the town of New Fort Ball, in Clinton township, Seneca county.

H. No. 144; To authorize the sale of school section sixteen, in Plain township, Wood county.

H. No. 145; To extend the charter of the Perrysburg canal and hydraulic company.

H. No. 96; To revive and continue in force the provisions of an act entitled an act to amend an act to incorporate the Portsmouth Dry Dock and Steamboat Basin company, passed February 14, 1846.

S. No. 147; To incorporate the Columbus and Blenden turnpike company.

S. No. 148; To erect the county of Walhonding.

S. No. 149; To prevent the further immigration of black and malatto persons into this state.

S. No. 150; To repeal an act entitled an act to provide for the extinguishment of the public debt of Ohio."

The following bill was read the third time:

S. No. 38; To authorize the town council of the town of Sidney to subscribe to the capital stock of the Sidney and Wapakonnetta Turnpike company.

Said bill was recommitted to a select committee of one—Mr. Conklin.

The following bills were read a third time and passed:

S. No. 72; To provide for taxing certain lands sold by the United States.

S. No. 84; To lay out and establish a free turnpike road from Newton, in Union county, to Delaware, in Delaware county.

S. No. 100; To amend the act to incorporate the Central Ohio Railroad company.

S. No. 117; To provide for the sale of the Western Reserve school lands.

H. No. 34; To incorporate the Locust Street Wharf company of Gallipolis.

Ordered that the titles be as aforesaid.

The following bill was read the third time:

S. No. 61; For the relief of John D. Burrill.

The question being "shall the bill pass?"

Mr. Burns moved to recommit the bill to a select committee of one. Which was lost.

The question being on the passage of the bill,

Mr. Burns moved to amend the bill, by way of ryder, as follows:

The provisions of this act shall apply to each and every county and township Treasurer in this state who held, as such Treasurer, any of the notes of the Bank of Wooster at the time of its failure, provided the written assent of the several township Trustees, where township Treasurers are concerned, and the like written assent of county Commissioners when county Treasurers are concerned, shall first be obtained.

The question being on agreeing to the amendment,

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted, yeas 14, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Bloksom, Burns, Byers, Chase, Dimmock, Emrie, Evans, Ewing, Patterson, Scott, Whitman and Wilson
—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Cor-

win, Dennison Dubbs, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Swift, Vinal, Worcester and Speaker—20.

So the amendmendment was lost

Mr. Whitman moved that the Senate take a recess.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted, yeas 10, nays 24, as follows:

Those who voted in the affirmative, were

Messrs. Byers, Chase, Dimmock, Emrie, Ewing, Patterson, Scott, Swift, Whitman and Wilson—10.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Baskus, Beaver Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Dubbs, Evans, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Vinal, Worcester and Speaker—24.

So the Senate refused to take a recess.

Mr. Whitman moved to recommit the bill to a select committee of five, with instructions, to "report all similar cases."

Mr. Goddard demanded a division of the question.

The question then being on recommitting,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted, yeas 18, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Lewis, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Vinal, Worcester and Speaker—16.

So the motion to recommit prevailed.

The question then turning upon instructing the committee to "report all similar cases,"

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 17, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Myers, Patterson, Scott Swift, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

So the Senate refused to instruct the committee.

On motion of Mr. Goddard,

The Senate took a recess.

THREE O'CLOCK P. M.

The following bill was read the third time and passed:

H. No. 111; Prescribing the times of holding the Courts of Common Pleas in the thirteenth judicial circuit.

Ordered that the title be as aforesaid.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

H. No. 93; To incorporate the Milford, Edenton and Woodfield Turnpike company.

H. No. 110; To incorporate the Columbia and New Richmond Turnpike Bridge company.

H. N. 91; To authorize the sale of the school lands of Venice township; Seneca county, Ohio.

H. No. 95; To authorize the sale of school lands belonging to Union township, (fractional) Champaign county.

H. N. 97; To amend an act entitled an act to incorporate the town of Elyria.

H. No. 100; To lay out and establish a state road in the counties of Washington and Athens.

The following bills have been introduced and read the first time:

H. No. 224; To provide for the appointment of trustees to minors, residing out of the State, having property in the same.

H. No. 225; To repeal an act entitled an act to incorporate the State Bank of Ohio, and other banking companies, passed March 12, 1845.

H. No. 226; To incorporate the Sharon Railroad company.

H. No. 227; Amendatory of the act entitled an act supplementary to the act pointing out the mode of levying taxes, passed March 14, 1831.

H. No. 228; To incorporate the Mt. Pleasant Academy, in Kingston, Ross county.

H. No. 229; To lay out and establish a state road in the counties of Jackson and Athens.

H. No. 230; To extend the corporate limits of the town of Mt. Sterling, in the county of Madison.

H. No. 231; Concerning the docket of Jeremiah Moore, deceased, late Justice of the Peace in Fairfield county.

H. No. 232; To incorporate the Circleville, Darbyville and London Turnpike Road company.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the Senate joint resolution relative to in-

viting General Taylor to visit Columbus—with one amendment, in which the concurrence of the Senate is requested.

Messrs. Pugh, Giddings, Morris, and Olds have been appointed said committee on the part of the House.

Attest:

STANLEY MATTHEWS, Clerk.

House amendment to said joint resolution was agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following resolution, in which the concurrence of the Senate is requested.

Relative to the introduction of bills.

Attest:

STANLEY MATTHEWS, Clerk.

Said resolution was laid on the table.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate joint resolution relative to school lands.

The House has agreed to Senate amendments to the following House bills:

H. No. 104; To fix permanently the times of holding the court of common pleas in the second judicial circuit.

H. No. 43; To regulate the levying of a tax for road purposes in the counties of Belmont and Ashtabula.

H. No. 13; To incorporate the Ashtabula Central Plank Road Company.

The Speaker of the House has signed the following enrolled bills, to which the signature of the Speaker of the Senate is requested:

H. No. 2; To incorporate the Judson College, at Jefferson, in the county of Harrison.

H. No. 3; To amend an act passed January 28, 1848, entitled an act to incorporate the Lorain Plank Road Company.

H. No. 4; To incorporate the Madison and Fayette Turnpike Company.

H. No. 19; To extend the corporate limits of the town of Germantown.

H. No. 39; To incorporate the London, Somerford, and Mechanicsburgh Turnpike Company.

H. No. 52; To authorize the establishment of separate schools for the education of colored children, and for other purposes.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 94; To incorporate the Hocking county Savings Institute, at Logan.

H. No. 35; To incorporate the Savings Fund Society of Woodfield.

H. No. 167; To incorporate the town of Rock Creek, in Ashtabula county.

H. No. 165; To divide the town of St. Clairsville, Belmont county, into two school districts.

H. No. 12; To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

H. No. 139; To regulate a certain school district in the township of Orwell, Ashtabula county.

H. No. 103; To incorporate the Northern Fire Company of Cincinnati.

H. No. 161; To incorporate the Franklin and Germantown Turnpike Road Company.

H. No. 23; To authorize the administrator of William S. Tracy, deceased, to complete real contracts.

H. No. 160; To amend an act entitled an act to encourage teachers' institutes, passed February 8, 1847.

H. No. 152; To amend an act passed Feb. 8, 1847, entitled an act accepting the charter and franchises of the First Range Turnpike Company, in Ashtabula county, and declaring their said road a free turnpike road.

H. No. 137; For the support and regulation of common schools in district No. 4, in Washington township, Preble county, O.

The House has also passed the following Senate bills without amendment:

S. No. 9; For the relief of John Devine, James M. Snyder, and William Sharp.

The following bills have been introduced and read the first time:

H. No. 233; To amend the act punishing certain immoral practices, passed Feb. 17, 1831.

H. No. 234; Concerning escheated property in the county of Hamilton.

H. No. 235; To incorporate the Dry Ridge Universalist Society of Green township, Hamilton county.

H. No. 236; To incorporate the Ripley and Locust Grove Turnpike Company.

H. No. 237; To incorporate the town of Palestine, in the county of Darke.

The House has passed the following bills:

H. No. 151; To incorporate the Cincinnati Medical Institute.

S. No. 52; To amend an act entitled an act for the support and better regulation of common schools in the city of Columbus, passed Feb. 3, 1845.

S. No. 110; Fixing the times of holding the court of common pleas in the seventh judicial circuit.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

Mr. Archbold, in accordance with previous notice, introduced the following bill:

S. No. 153; A bill supplementary to the acts concerning divorce and alimony.

Mr. Backus, in accordance with previous notice, introduced the following bill:

S. No. 154; A bill to incorporate the New England Hotel Company.

Said bills were read the first time.

Mr. Backus gave notice that, on to-morrow or some subsequent day of the session, he should ask leave to introduce a bill further to amend the act incorporating the Wayne, Medina, and Cuyahoga Turnpike Company.

Mr. Chase, in accordance with previous notice, introduced the following bill:

S. No. 155; A bill to incorporate the Liberty township Turnpike Company,

Said bill was read the first time.

On motion of Mr. Kendall,

The committee of the whole were discharged from the further consideration of H. No. 96, to revive and continue in force the provisions of an act entitled an act to amend an act to incorporate the Portsmouth Dry Dock and Steamboat Basin Company," passed February 14, 1846.

The question being on ordering the bill to a third reading,

Mr. Dubbs moved to refer the bill to the standing committee on Public Works and Public Lands; which was lost.

The bill was then ordered to be read a third time to-morrow.

On motion of Mr. Ankeny, .

The committee of the whole were discharged from the further consideration of S. No. 129, to lay out and establish a State road in the counties of Guernsey and Coshocton.

Said bill was referred to a select committee of one—Mr. Ankeny.

Mr. Judy, in accordance with previous notice, introduced the following bill:

S. No. 156; A bill to authorize the trustees of townships in the county of Union to levy an additional road tax.

Said bill was read the first time.

Mr. Judy gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to repeal the fifth section of an act entitled an act to authorize county commissioners of this State to lay out and establish State roads, passed February 28, 1846.

Mr. Worcester moved that the committee of the whole be discharged from the further consideration of H. No. 69, to authorize the trustees of Portland township, Erie county, to borrow twenty thousand dollars and subscribe the same as stock in plank roads; which was disagreed to.

Mr. Dennison, in accordance with previous notice, introduced the following bill:

S. No. 157; A bill to incorporate the Columbus, Chillicothe, and Portsmouth Railroad Company.

Mr. Scott, in accordance with previous notice, introduced the following bill:

S. No. 158; A bill to establish a land office at Defiance, and to abolish the land offices at Lima and Perrysburg.

Mr. Corwin, in accordance with previous notice, introduced the following bill:

S. No. 159; A bill to authorize the trustees of Marion and Jefferson townships, in the county of Clinton, to borrow money, and for other purposes.

Said bills were severally read the first time.

On motion of Mr. Beaver,

Resolved, That the committee on Claims be instructed to inquire into the claim of Simpson & Spranger, of Morgan county; and if the said claim be found by said committee to have merits which demand relief, then to report by bill or resolution.

Mr. Beaver, in accordance with previous notice, introduced the following bill:

S. No. 160; A bill declaring valid a certain sheriff's deed therein named.

Said bill was read the first time.

On motion of Mr. Bennett,

The Senate resolved itself into the committee of the whole on the orders of the day, (Mr. Myers in the chair,) and after some time spent therein, rose and reported the following bills, some with and some without amendment:

S. No. 87; To aid the Ohio and Mississippi Railroad Company.

S. No. 89; To incorporate the St. Marys and Wapaukonnetta Plank Road Company, with amendments, which were agreed to.

Said bills were severally referred to the standing committee on corporations.

On motion,

The Senate again resolved itself into the committee of the whole, Mr. Dennison in the chair, and after some time spent therein, rose and reported back the following bills:

H. 46: To appoint commissioners to lay out and establish a State road in the counties of Meigs, Gallia and Jackson.

Ordered to be read a third time to-morrow.

H. 47: To amend the act incorporating the Colerain, Oxford, & Brookville Turnpike Company, passed February 13, 1832.

Referred to the standing committee on Railroads and Turnpikes.

H. 49: To incorporate the town of Bryan, in the county of Williams.

Referred to the standing committee on Corporations.

H. 50: To authorize the Commissioners of Van Wert county to borrow money for certain purposes.

Ordered that the bill be read a third time to-morrow.

H. 25: To amend an act to incorporate the Farmer's Mutual Fire Insurance Company of Medina county.

Referred to the standing committee on Corporations.

H. 74: To authorize the city council of the city of Cincinnati to borrow such sums of money as may be required for the improvement of the city water works.

Referred to a select committee of two—Messrs. Dubbs and Ewing.

H. 67: To incorporate the town of Flushing, in Belmont county.

H. 58: To amend the act entitled an act to incorporate the town of Franklin, in the county of Warren, and to repeal all laws heretofore enacted on that subject, passed February 8, 1848.

Said bills were severally referred to the standing committee on Corporations.

H. 53: To provide for the punishment of a crime therein named.

Referred to the committee on the Judiciary.

S. 56: To repeal the act to provide for registering the names of electors, and to prevent frauds at elections, passed March 13, 1845.

Ordered that the bill be read a third time to-morrow.

H. 98: To authorize the trustees of the original surveyed township in Brown township, Athens county, to lease to the original lessees or their assigns, section 29, in said township.

Referred to the standing committee on the Judiciary.

H. 51: To incorporate the Otterbien University of Ohio.

H. 84: To amend an act passed February 4th, 1836, entitled an act to incorporate the town of Jefferson, in the county of Ashtabula.

Said bills were severally referred to the standing committee on Corporations.

H. 83: To authorize the trustees of Portland township, Erie county, to borrow \$20,000 for the improvement of the Sandusky harbor.

Ordered that the bill be read a third time to-morrow.

H. 69: To authorize the trustees of Portland township, Erie county, to borrow twenty thousand dollars, and subscribe the same as stock in plank roads, with an amendment, which was agreed to.

Referred to the standing committee on Finance.

H. 24: To revive an act entitled an act to incorporate the Bishop's Fraternal Calvinistic Baptist Seminary, passed March 7, 1835, and to change the name of said corporation.

Referred to the standing committee on Corporations.

H. 42: To repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed January 15, 1845.

Referred to the standing committee on Roads and Highways.

H. 64: To incorporate the Minster Fire Insurance Association.

Referred to the standing committee on Corporations.

H. 65: To repeal the charter of the Harmer & Lancaster Turnpike Company, passed March 15, 1838.

Referred to a select committee of two—Messrs. Whitman and Haines.

H. 68: To incorporate the Waynesville & Sugar Creek Turnpike Company.

Referred to a select committee of one—Mr. Corwin.

H. No. 70; To incorporate the relief fire company of the city of Chillicothe.

Referred to the standing committee on corporations.

H. No. 66; To incorporate the Oxford, Western and Connersville turnpike road company, with an amendment.

Referred to the standing committee on railroads and turnpikes.

H. No. 75; To incorporate the Sandusky city and Castalia plank road company.

H. 81: To incorporate the Savannah toll bridge company, in the county of Athens, with an amendment.

Said bills were referred to the standing committee on corporations.

H. 82: To authorize the sale of school section 16, in Pleasant township, Hancock county,

Ordered that the bill be read a third time to-morrow.

H. 79: To revive a certain act therein named.

Referred to the standing committee on the Judiciary.

H. 14: To incorporate the town of St. Clairsville, in Belmont county.

Referred to the standing committee on corporations.

H. 32: To incorporate the Lower Sandusky Plank Road Company.

Referred to a select committee of two—Messrs. Wilson and Beaver.

H. 136: To incorporate the Oxford Female Institute, at the town of Oxford, in the county of Butler.

Referred to the standing committee on corporations.

Mr. Dimmock offered for adoption the following:

WHEREAS, The stability of a free government, and the happiness and virtue of its citizens, depend upon the prosperity and intelligence of the toiling masses; and as a direct and permanent interest in the soil they cultivate tends to make the yeomanry of every country contented, prosperous and happy; and whereas, while the government of the United States has a vast and almost boundless domain, wild and uncultivated, yet rich and fertile, it has, also, thousands of citizens and their families, who are poor and destitute, having neither lands nor homes; therefore, be it

Resolved by the General Assembly of the State of Ohio, That our Senators in Congress be instructed, and our Representatives requested, to give their votes and use their influence to procure a radical reform in the management of our national domain, so as to place a homestead within the reach of every family in the Union.

Resolved, That by granting to actual settlers, who are the owners of no other real estate, a fee simple title to 80 acres of such unoccupied or unappropriated public lands, as each may select for a homestead, with a pre-emption right to purchase the next adjoining eighty acres within ten years from the date of location, would prove of great and lasting benefit to all classes of community, and add to the permanence and stability of our Union, and its free institutions, without materially lessening the revenues of the government.

Resolved, That the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

On motion of the same gentleman,

The preamble and resolutions were referred to the standing committee on Federal Relations.

Mr. Whitman gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to incorporate the town of Sugar Grove, in Fairfield county.

On motion of Mr. Ankeny,

The petitions and remonstrances relative to the new county of Cumberland, were taken up and withdrawn.

Mr. Conklin, on leave, from the select committee on the subject, to which was referred S. No. 38: To authorize the town council of the town of Sidney to subscribe to the capital stock of the Sidney and Wapauketta Railroad Road Company, reported the same back with an amendment, which was agreed to.

The bill was then passed.

Ordered that the title be as aforesaid.

On motion of Mr. Goddard,

The committee of the whole were discharged from the further consideration of S. No. 148: To erect the county of Walholding.

Said bill was postponed until the first Monday in December next.

Mr. Ankeny, on leave, from the select committee on the subject, to which was referred S. No. 129: To lay out and establish a State road in the counties of Guernsey and Coshocton, reported the same back with one amendment, which was agreed to.

Said bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Chase,

The committee of the whole were discharged from the further consideration of S. No. 114: Granting the right of way to the Junction Railroad Company, and extending its privileges.

Said bill was referred to the standing committee on railroads and turnpikes.

Mr. Whitman, on leave, from the standing committee on schools and school lands, to which was referred H. 18: To provide for the sale of the northwest quarter of section 16, of the original survey of township 9, range 4, in the Steubenville district, now in Green township, Harrison county, reported the same back.

The bill was then passed.

Ordered that the title be as aforesaid.

On motion of Mr. Ankeny,

The Senate adjourned

Attest:

JOHN B. KNAPP, JR., Clerk.

SATURDAY, FEBRUARY 10, 1849.

Prayer by Rev. Mr. Finley.

Mr. Goddard presented the remonstrance of Arnold Medberry and 30 other citizens of Coshocton county, against the proposed new county of Walholding.

Postponed until the first Monday of December next.

Mr. Scott presented the petition of 69 citizens of Van Wert county, for a law empowering the commissioners of said county to erect public buildings in that county.

Also, the petition of Samuel E. Snyder, and 22 other citizens of Mercer county, for the election of James M. Bell an associate judge of said county.

Said petitions were laid on the table.

Mr. Ankeny presented the remonstrance of Aaron Wilson and 44 citizens of Coshocton county, against the division of said county.

Postponed until the first Monday of December next.

Also, remonstrances of A. G. Lawrence, Alexander Miller and 148 other citizens of Wells and Centre townships, Guernsey county, against the erection of the new county of Cumberland.

Mr. Beaver presented the petition of citizens of Trumbull county, for the erection of the new county of Orange.

Also, notice of the same having been published.

Referred to the standing committee on New Counties.

Mr. Dimmock presented the remonstrance of Henry Howe and 47 other citizens of Coshocton county against any dismemberment of said county.

Postponed until first Monday in December next.

Mr. Patterson presented the petition of Joseph Linnel and 81 citizens of Granville township, Licking county, for a law to prevent swine running at large.

Referred to the standing committee on Agriculture.

Mr. Myers presented the memorial of James Durbin for the payment of interest on a check for work done on the Wabash and Erie canal, &c.

Referred to the standing committee on Public Works.

Also the petition of 17 citizens of Royalton township, Lucas county, for the extension of the time of payment of the purchase money of a portion of section sixteen.

Referred to the standing committee on Schools and School Lands.

Mr. Blocksom, from the standing committee on Railroads and Turnpikes, to which was referred Senate bill No 49; To amend an act to incorporate the Bellefontaine and Indiana Railroad Company, passed February 25, 1848, report the same back without amendment, and recommend its engrossment.

Which was agreed to.

The same gentleman, from the same committee, to which was referred Senate bill No. 68; To revive and amend the act for the incorpo-

ration of the Huron Plank Road Company, reported the same back without amendment and recommended its engrossment.

Which was agreed to.

Said bills were ordered to be read a third time on Monday next.

Mr. Whitman, from the committee on Schools and School Lands, to which was referred H. No. 15; To authorize the sale of school section sixteen, in Richland township, Wyandott county.

Also H. No. 16; To authorize the sale of school section sixteen, in Salem township, Wyandott county, Ohio.

Also H. No. 48; To authorize the sale of section sixteen in Harrison township, Gallia county, reported the same back and recommended their being ordered to a third reading.

Said bills were ordered to be read a third time on Monday next.

Mr. Archbold from the standing committee on the Judiciary, to which was referred S. No. 85; Further to amend the act entitled an act to provide for the internal improvement of the State of Ohio, by navigable canals, reported the same back with amendments.

On motion of Mr. Goddard,

The bill and pending amendments were referred to the standing committee on Public Works.

Mr. Conklin, from the standing committee on Public Buildings, introduced the following bill:

S. No. 161; A bill amendatory of the act to provide for the profitable employment of convict labor on the new State House, passed February 24, 1848, and for other purposes.

Said bill was read the first time.

Mr. Vinal, from the standing committee on Enrollment, made the following report:

The standing committee on Enrollment report:

That they have examined an act to incorporate the Springfield and Columbus Railroad, and find the same correctly enrolled.

Mr. Archbold, from the standing committee on the Judiciary, to which was referred S. No. 1; To incorporate the Western Reserve Farmers' Insurance Company, reported the same back with one amendment, which was agreed to.

Said bill was ordered to be engrossed and read a third time on Monday.

Mr. Corwin, from the standing committee on Corporations, to which was referred S. No. 21; Authorizing the trustees of Springfield township to subscribe money to aid in the erection of a town hall in Springfield, in the county of Clark, and to establish said hall as the place of holding all elections in said township, reported the same back, and recommended its passage.

The bill was then passed.

Ordered, that the title be as aforesaid.

Mr. Wilson, from the select committee on the subject, to which was referred H. No. 90; To amend a part of the act incorporating the town of Steubenville, reported the same back with sundry amendments, which were agreed to.

Ordered, that the bill be ordered to a third reading on Monday next.

Mr. Dubbs, from the select committee to which was referred S. No. 81; To authorize the city council of Cincinnati to borrow such sums of money as may be required for the improvement of the city water works, reported the same back with amendments, which were agreed to.

On motion of Mr. Corwin,

The bill was referred to the standing committee on Corporations.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 151; To incorporate the Cleveland and Willoughby Plank Road Company.

S. No. 152; To repeal an act entitled an act to regulate the sale of intoxicating liquors in the town of Cuyahoga Falls.

H. No. 137; For the support and regulation of common schools in district No. 4, Washington township, Preble county, in this State.

H. No. 167; To incorporate the town of Rock Creek, in the county of Ashtabula.

H. No. 94; To incorporate the Hocking County Savings Institute at Logan.

H. No. 12; To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

H. No. 139; To regulate a certain school district in the township of Orwell, Ashtabula county.

H. No. 103; To incorporate the Northern Fire Company of Cincinnati.

H. No. 161; To incorporate the Franklin and Germantown Turnpike Road Company.

H. No. 23; To authorize the administrator of William S. Tracy, deceased, to complete real contracts.

H. No. 35; To incorporate the Saving Fund Society of Woodsfield.

H. No. 152; To amend an act passed February 8, 1847, entitled an act accepting the charter and franchises of the first range Turnpike Company in Ashtabula county, and declaring their said road a free turnpike road.

H. No. 160; To amend an act entitled an act to encourage Teachers' Institutes, passed February 8, 1847.

H. No. 165; To amend the act entitled an act for the support and better regulation of common schools, so as to allow the trustees of Richland township, Belmont county, to divide the town of St. Clairsville into two or more school districts.

H. No. 51, To incorporate the Cincinnati Medical Institute.

S. No. 153; Supplementary to the act concerning divorce and alimony.

S. No. 154; To incorporate the New England Hotel company.

S. No. 155; To incorporate the Liberty township Turnpike company.

S. No. 156; To authorize the trustees of townships in the county of Union, to levy an additional road tax.

S. No. 157; To incorporate the Columbus, Chillicothe and Portsmouth Railroad company.

S. No. 158; To establish a land office at Defiance, and to abolish the land offices at Lima and Perryburgh.

S. No. 159; To authorize the trustees of Marion and Jefferson townships in the county of Clinton, to borrow money, and for other purposes.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 160; Declaring valid a certain Sheriff's deed therein named.

H. No. 91; To authorize the sale of the school lands of Venice township, Seneca county, Ohio.

H. No. 93; To incorporate the Milford, Edenton and Woodville Turnpike company.

H. No. 95; To authorize the sale of school lands belonging to Union township (fractional) Champaign county.

H. No. 97; To amend the act entitled an act to incorporate the town of Elyria.

H. No. 100; To lay out and establish a State road in the counties of Washington and Ashens.

H. 110; To incorporate the Columbia and New Richmond Turnpike and Bridge Company.

The following bills were read the third time and passed:

S. No. 91; Supplementary to the act entitled an act to incorporate the Troy and Newton Turnpike company.

S. No. 92; Further to amend the act entitled an act to incorporate the Toledo, Sandusky and Michigan City Railroad company, and the several acts amendatory thereto.

S. No. 129; To lay out and establish a State road in the counties of Guernsey and Coshooten.

H. No. 7; To establish a free turnpike road from Springboro' to Ridgeville in Warren county.

H. No. 46; To appoint commissioners to lay out and establish a State road in the counties of Meigs, Gallia and Jackson.

H. No. 50; To authorize the commissioners of Van Wert county, to borrow money for certain purposes.

H. No. 82; To authorize the sale of school section 16, in Pleasant township, Hancock county.

H. No. 83; To authorize the trustees of Portland township, Erie county, to borrow \$20,000 for the improvement of the Sandusky Harbor.

The following bill was read the third time:

H. No. 56; To repeal the act to provide for registering the names of electors and to prevent frauds at elections, passed March 13, 1846.

The question being, Shall the bill pass?

Mr. Wilson demanded the yeas and nays thereon, which were ordered, and resulted yeas 32, nays 3, as follows:

20—S. J.

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Bennett, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Haines, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Whitman, Wilson and Worcester—32.

Those who voted in the negative, were

Messrs. Hendricks, Vinal and Speaker—3.

So the bill was passed.

Ordered that the titles be as aforesaid.

The following bill was read a third time:

H. No. 96; To revive and continue in force the provisions of an act entitled an act to amend an act to incorporate the Portsmouth Dry-Dock and Steamboat Basin company, passed February 14, 1846.

The question being, Shall the bill pass?

On motion of Mr. Goddard,

Said bill was referred to the standing committee on Public Works and Public Lands.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 107; To extend the Monroeville Plank Road company to the town of Elyria, in Lorain county.

H. No. 108; To further amend the act entitled an act to regulate the practice of the judicial courts.

H. No. 109; To provide for the sale of school section 18, in the township of Blanchard, Hardin county, O.

H. 112: To incorporate the Union Bridge and Cincinnati Turnpike Road Company.

H. 115: To authorize the sale of school lands belonging to Tymochee township, Wyandotte county.

H. 119: To incorporate the Bellbrook and Beaver Creek Turnpike Road Company.

H. 121: To incorporate the Little Miami Bridge Company.

H. 125: To amend the act entitled "an act to incorporate the New Baltimore and New Haven Turnpike and Bridge Company," passed February 8, 1847.

H. 133; To amend the act entitled an act to institute proceedings against corporations not possessing banking powers and the visitatorial powers of courts, and regulating corporations generally.

H. No. 138; To incorporate the Lewisburgh and Liberty Corner Turnpike Road company.

H. No. 140; To extend the time of payment for school section 16, Springfield township, Lucas county.

H. No. 162; To incorporate the Mount Washington College, Hamilton county, O.

H. No. 186; To incorporate the London and Lafayette Turnpike company.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were read the first time.

On motion of Mr. Corwin,

Resolved, That the standing committee on Finance be instructed to inquire into the expediency of selling the stock held by the state in turnpike, canal and railroad companies, so that the proceeds may be applied to the payment of the state debt, and report by bill or otherwise.

Mr. Backus, in accordance with previous notice, introduced the following bill:

S. No. 162; A bill further to amend the act incorporating the Wayne, Medina and Cuyahoga Turnpike company.

Said bill was read the first time.

Mr. Lewis gave notice that on Monday or some subsequent day of the present session he would ask leave to introduce a bill to incorporate a high school in Cadiz, Harrison county.

Also, a bill to amend the act entitled an act to incorporate the town of Mt. Pleasant, Jefferson county.

Mr. Lewis offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be, and he is hereby, required to furnish the Directors of the Penitentiary, for the use of the Library of that institution, one copy of Chase's Collated Statutes, one copy of the local laws of the state, and one copy of the general laws since the year 1841, so far as the same may be at his disposal, and a copy of Mills' Index.

Referred to a select committee of two—Messrs. Goddard and Lewis.

Mr. Wilson moved the Senate take up S. No. 6, to provide for ascertaining of the will of the people of this state, upon the question of calling a convention to amend or change the constitution of the same.

Mr. Myers demanded the yeas and nays thereon; which were ordered and resulted, yeas 15, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burna, Byers, Chase, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Swift, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Dimmock, Ewing, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Scott, Vinal, Worcester and Speaker—20.

So the motion was lost.

Mr. Judy, in accordance with previous notice, introduced the following bill:

S. No. 163; A bill to repeal the fifth section of an act entitled an act to authorize county commissioners of this state to lay out and establish state roads.

Said bill was read the first time.

Mr. Blocksom gave notice that on Monday next, or some subsequent day of the present session, he would ask leave to introduce a bill prescribing the times of holding the Court of Common Pleas in the fifth judicial circuit.

The Speaker laid before the Senate a special report from the Governor relative to the resignation of Gen. John J. Higgins as Major General, 8th Div., O. M.

(See Vol. Pub. Doc.)

Laid on the table.

Mr. Whitman offered for adoption the following:

Resolved, That the Secretary of State be authorized to deliver to the Clerk of the Court of Common Pleas of Hocking county, for the use of said county, one copy of the 17th volume of the Ohio Reports, and one copy of the 9th volume of Ohio Reports.

Referred to the standing committee on the Library.

On motion of Mr. Dubbs,

The committee of the whole were discharged from the further consideration of H. No. 151, to incorporate the Cincinnati Institute, and it was then

Referred to the standing committee on Medical Colleges and Societies.

On motion of Mr. Backus,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Archbold in the chair, and after some time spent therein, rose and reported the following bills, without amendments:

S. No. 101; To amend the law passed March 2, 1848, to tax money brokers.

Referred to the standing committee on Finance.

S. No. 102; To incorporate the Cleveland Mutual Insurance Company.

S. No. 103; To incorporate the Miller Academy.

Severally referred to the standing committee on Corporations.

S. No. 104; To authorize the commissioners of Highland county to subscribe to the capital stock of the Hillsboro' and Cincinnati Railroad company.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 105; To incorporate the Marion Hall Building company of Mt. Healthy, Hamilton county, Ohio.

Referred to the standing committee on Corporations.

Mr. Whitman, in accordance with previous notice, introduced the following bill:

S. No. 164; To incorporate the town of Sugar Grove, in Fairfield county.

Mr. Bennett, in accordance with previous notice, introduced the following bill:

S. No. 165; Further to amend the act entitled an act for the better regulation of common schools, and to create permanently the office of Superintendent.

Said bills were read the first time.

On motion of Mr. Ewing,

The committee of the whole Senate were discharged from the further consideration of Senate bill No. 111, further to amend the act to incorporate the city of Cincinnati, passed March 1st, 1834.

Referred to a select committee of one—Mr. Ewing.

Mr. Whitman moved that the Senate adjourn.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 24, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Beaver, Blockson, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Earle, Evans, Ewing, Graham, Hendricks, Jedy, Kendall, Patterson, Scott, Vinal, Whitman and Wilson—24.

Those who voted in the negative, were

Messrs. Ankeny, Beckus, Bennett, Blake, Goddard, Haines, Lewis, Myers, Worcester and Speaker—10.

So the Senate adjourned until Monday morning at 10 o'clock.

Attest:

JOHN B. KNAPP, JR., Clerk.

MONDAY, FEBRUARY 12, 1849.

Prayer by the Rev. Mr. Finley.

Mr. Byers presented the petitions from C. Lehman, Henry E. Smith and 53 other citizens of Wayne county, for the election of John Lawwill an Associate Judge of said county.

Laid on the table.

Mr. Bennett presented the petition of 200 citizens of Canal Dover, Tuscarawas county, for relief from injuries sustained from the Ohio Canal.

Mr. Claypool presented the petition of James B. Turner and 33 other citizens of Pakeeton, protesting against any impediment being placed in the Scioto river to prevent steamboat navigation.

Mr. Dennison presented the petition of Samuel Medary, Joseph R. Swan and others, relative to tolls on the national road.

Said petitions were severally referred to the standing committee on Public Works and Public Lands.

Mr. Beaver presented the petition of W. & J. Galligher, H. N. Kearney & W. W. Scarborough for payment of certain claims on the national road.

Referred to the standing committee on Claims.

Mr. Worcester presented the petition of D. F. Dewolf and 91 others of Haron county, for the suppression of the sale of intoxicating liquors, and for the repeal of all laws now in force.

Referred to the standing committee on the Judiciary.

Mr. Whitman presented the petition of 32 citizens of Fairfield county, for the election of Elias Perry an associate judge for said county.

Also the petition of 248 citizens of Fairfield county, asking that the town of Amanda may be made a point on the line of the Scioto Valley Railroad.

Said petitions were laid on the table.

Mr. Dubbs presented the petition from 59 citizens of Lockland, Hamilton county, for an act incorporating said town.

Referred to a select committee of one—Mr. Dubbs.

Mr. Kendall presented the memorial of L. H. Wilcox and 21 property holders adjoining the town of Portsmouth, asking to be included in said town.

Referred to a select committee of one—Mr. Kendall.

Mr. Dimmock presented the proceedings of a meeting of citizens of Monroe township, Knox county, in favor of Homestead exemption.

Referred to the standing committee on the Judiciary.

Mr. Goddard, from the standing committee on public works and public lands, to which was referred S. No. 85; Further to amend the act entitled an act to provide for the internal improvement of the State of Ohio, by navigable canals, reported the same back without amendment, and recommended its engrossment, which was agreed to.

Ordered that said bill be read the third time to-morrow.

Mr. Bennett, from the standing committee on Medical Colleges and Societies, to which was referred H. No. 151; To incorporate the Cincinnati Medical Institute, reported the same back with sundry amendments, which were agreed to.

The bill was then read a third time and passed.

Mr. Dubbs, from the standing committee on public works and public lands, to which was referred H. No. 96; To revive and continue in force the provisions of an act to amend an act to incorporate the Portsmouth Dry-Dock and Steamboat Basin company, passed February 14, 1846, reported the same back with one amendment, which was agreed to.

The bill was then read a third time and passed;

Ordered that the titles be as aforesaid.

Mr. Corwin, from the standing committee on corporations, to which were referred S. No. 102: To incorporate the Cleveland Mutual Insur-

ance company, reported the same back without amendment, and recommended its engrossment, which was agreed to.

Also S. No. 103; To incorporate Miller Academy, reported the same back, and the bill was ordered to be engrossed.

Also S. No. 74; To amend the act entitled an act to incorporate the Medina Fire Insurance company, passed March 16, 1841, reported the same back with sundry amendments, which were agreed to.

The bill was then ordered to be engrossed.

Also H. No. 37; To amend the act to encourage the organization of Fire companies, and to repeal former acts, passed February 8, 1847, reported the same back without amendment.

Also H. No. 70; To incorporate the Relief Fire Company of the city of Chillicothe, reported the same back with one amendment, which was agreed to.

Also H. No. 81; To incorporate the Savannah Toll Bridge company, in the county of Athens, reported the same back with sundry amendments, which were agreed to.

Also H. No. 84; To amend an act passed February 4, 1836, entitled an act to incorporate the town of Jefferson, in the county of Ashtabula, reported the same back.

Also H. No. 25; To amend an act to incorporate the Farmers Mutual Fire Insurance company of Medina county, reported the same back with one amendment, which was agreed to.

Mr. Dennison, from the same committee to which was referred H. No. 136; To incorporate the Oxford Female Institute, at the town of Oxford, in the county of Butler, reported the same back.

Also No. 51; To incorporate the Otterbein University of Ohio, reported the same back.

Said bills were severally ordered to be read a third time to-morrow.

Mr. Corwin, from the same committee to which was referred H. No. 24; To revive an act entitled an act to incorporate Bishop's Fraternal Calvinistic Baptist Seminary, passed March 7, 1835, and to change the name of said corporation, reported the same back and recommended its indefinite postponement, which was agreed to.

Mr. Myers, from the standing committee on roads and highways, to which was referred a petition on the subject, introduced the following bill:

S. No. 166; A bill to lay out and establish the Port Lawrence and Springfield Free Turnpike Road.

Said bill was read the first time.

The same gentleman, from the same committee, to which was referred H. No. 42; To repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed January 15, 1845, reported the same back.

Said bill was ordered to a third reading to-morrow.

Mr. Vinal, from the standing committee on enrollment, made the following report:

The standing committee on enrollment report:

That they have examined Senate joint resolution inviting General Zachary Taylor to visit the capitol of Ohio.

Also an act for the relief of John Devine, James M. Snyder and William Sharp.

Also an act fixing the time of holding the court of common pleas in the seventh Judicial circuit.

Also Senate joint resolution relative to school lands, and find the same correctly enrolled.

Mr. Beaver, from a select committee, to which was referred S. No. 64; To prevent magistrates of counties, cities or towns corporate, judges, justices of the peace, and other public officers, from acting in official capacity in case of alleged fugitives from labor, 'denominated slaves, to prohibit the use of jails and other public buildings to slave captors, reported the same back and recommended that it be recommended to the committee of the whole, which was agreed to.

(See Appendix, p. 366.)

Mr. Worcester, from the select committee on the subject, introduced the following bill:

S. No. 167; A bill for the extension of the Western Reserve and Maumee road.

Said bill was read the first time.

Mr. Goddard, from the select committee on the subject to which was referred Senate resolution relative to furnishing books for the use of the Penitentiary library, reported the same back with the following amendments:

'Strike out "one copy of Chase's Collated Statutes" and insert "one hundred copies of Swan's Collated Statutes. After "Mills' Index" add, "and one copy of Swan's Index," which were agreed to.

The resolution as amended was agreed to.

Mr. Beaver offered for adoption the following:

Resolved by the General Assembly of the State of Ohio, That an act of assembly of the commonwealth of Pennsylvania, passed the 11th day of April, 1848, entitled "an act to incorporate the Ohio and Pennsylvania Railroad Company, duly certified and authenticated under the great seal of said commonwealth, and by the Governor thereof, transmitted to the Governor of the state of Ohio, for the use of the state last aforesaid, be printed and published with the local laws of the state.

On motion of Mr. Backus,

The resolution was referred to a select committee of three.

Messrs. Backus, Myers and Beaver were appointed said committee.

Mr. Corwin, from the select committee to which was referred H. No. 68; To incorporate the Waynesville and Sugar Creek Turnpike Company, reported the same back with two amendments, which were agreed to.

Mr. Ewing, from the select committee to which was referred S. No. 111; Further to amend the act incorporating the city of Cincinnati,

passed March 1, 1834, reported the same back with one amendment, which was agreed to.

The bill was then ordered to be engrossed.

Mr. Dennison, (on leave) from the standing committee on Corporations to which was referred S. No. 81; To authorize the city council of the city of Cincinnati to borrow such sums of money as may be required for the improvement of the city water works, reported the same back with sundry amendments, which were agreed to.

The bill was then ordered to be engrossed.

Said bills were severally ordered to a third reading to-morrow.

The following bills were read the second time, committed to the committee of the whole Senate and made the order of the day for this day:

S. No. 161; Amendatory of the "act to provide for the profitable employment of convict labor on the new state house," passed Feb. 24, 1848, and for other purposes.

H. No. 107; To extend the Monroeville Plank Road Company to the town of Elyria, in Lorain county.

H. No. 108; To further amend the act entitled an act to regulate the practice of the judicial courts.

H. No. 109; To provide for the sale of school section 16, in the township of Blanchard, county of Hardin, Ohio.

H. No. 112; To incorporate the Union bridge and Cincinnati Turnpike Road Company.

H. No. 115; To authorize the sale of school lands belonging to Tyndale township, Wyandott county.

H. No. 119; To incorporate the Bellbrook and Beaver Creek Turnpike Road Company.

H. No. 121; To incorporate the Little Miami Bridge Company.

H. No. 125; To amend the act entitled "an act to incorporate the New Baltimore and New Haven Turnpike and Bridge Company," passed Feb. 8, 1847.

H. No. 133; To amend the act entitled "an act to institute proceedings against corporations not possessing banking powers, and the visitatorial power of courts and regulating corporations generally.

H. No. 138; To incorporate the Lewisburgh and Liberty Corner Turnpike Road Company.

H. No. 140; To extend the time of payment for school section 16, Springfield township, Lucas county.

H. No. 162; To incorporate the Mt. Washington College, Hamilton county, Ohio.

H. No. 186; To incorporate the London and Lafayette Turnpike Company.

S. No. 162; Further to amend the act incorporating the Wayne, Medina and Cuyahoga Turnpike Company.

S. No. 163; To repeal the fifth section of an act entitled "an act to authorize county commissioners of this state to lay out and establish state roads."

S. No. 164; To incorporate the town of Sugar Grove, in Fairfield county.

S. No. 165; Further to amend the act entitled "an act for the better regulation of common schools and to create permanently the office of Superintendent."

The following bills have been read a third time and passed:

S. No. 49; To amend an act entitled "an act to incorporate the Bellefontaine and Indiana Railroad Company," passed Feb. 25, 1848.

S. No. 68; To revive and amend the act for the incorporation of the Huron Plank Road Company.

H. No. 15; To authorize the sale of school section 16, in Richland township, Wyandott county.

H. No. 16; To authorize the sale of school section 16, in Salem township, Wyandott county, Ohio.

H. No. 48; To authorize the sale of section 16, in Harrison township, Gallia county.

S. No. 1; To incorporate the Western Reserve Farmer's Insurance Company.

The following bill was read a third time.

H. No. 90; To amend a part of the act incorporating the town of Steubenville.

The question being on agreeing to the title.

Mr. Bennett moved to amend the title as follows: Strike out "a part of."

The title as amended was agreed to and the bill passed.

Ordered, that the titles be as aforesaid.

Mr. Goddard moved that the Senate take a recess.

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted yeas 23, nays 7, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Burns, Byers, Chase, Claypool, Corwin, Dennison, Ewing, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Scott, Vinal, Whitman and Worcester—23.

Those who voted in the negative, were

Messrs. Ankeny, Dimmock, Emrie, Evans, Graham, Myers and Speaker—7.

So the Senate took a recess.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 238; To amend the act entitled an act for the appointing notaries public, passed February 7, 1816.

H. No. 239: To incorporate the Warren County Farmer's Mutual Fire Insurance Company.

H. No. 240; To incorporate the Trumbull, Portage and Geauga Plank Road Company.

H. No. 241; To attach south and middle Bass Islands to Erie county.

The House has also passed the following bill:

H. No. 62; Supplementary to the act to prevent injury by dogs, passed December 24, 1814.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 242; To amend the act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

H. No. 243; To amend an act, passed February 24, 1848, entitled "an act to amend the act entitled an act for the support and better regulation of common schools and to create permanently the office of Superintendent, passed March 7, 1838, and the acts amendatory thereto.

H. No. 344; To re-establish the office of superintendent of common schools and for other purposes.

H. No. 245; Providing for primary and superior schools in Harmer.

H. No. 246; To exempt from taxation all lands used for roads and canals.

H. No. 247; To extend the corporate limits of the town of Clarington, in the county of Monroe.

H. No. 248; To authorize the commissioners of Marion county to subscribe stock in railroad companies.

The House has also passed the following bill:

H. No. 89; To provide for the protection of sheep and to impose a tax on dogs in the counties of Belmont, Harrison, Jefferson, Champaign, Delaware, Erie, Marion, Licking, Hardin, Clark, Trumbull, Guernsey and Morrow.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

On motion of Mr. Goddard,

Resolved, That the committee on Common Schools and School Lands inquire into the expediency of so altering the law that the quadrennial enumeration of white males above the age of 21 years may be assumed as the basis for the distribution of the school fund, to the end that the expense of enumerating the youth may be saved.

Mr. Myers gave notice that he would on to-morrow or some subsequent day of the session, introduce bills to repeal the Wellsville, M.

ersburgh and Mt. Vernon Railroad company, and the Pennsylvania Railroad company.

Mr. Myers gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill to amend the act to lay out and establish the Toledo and Port Clinton free turnpike road.

On motion of Mr. Kendall,

Resolved, That the standing committee on the Judiciary be instructed to inquire into the expediency of so amending the laws as that the jury fees in all cases be charged in the bill of costs, and to be paid by the parties litigant.

Mr. Dennison gave notice that he would on to-morrow or some subsequent day of the session, ask leave to introduce a bill to amend the acts in relation to divorce, and the care of children.

Also, a bill to incorporate the Evangelical Lutheran Synod of Ohio and adjacent States.

Also, a bill to incorporate the Ohio Education Society of the Evangelical Lutheran Church.

Also, a bill to incorporate the Columbus Art Union.

Also a bill to amend the act for the relief of occupying claimants of lands.

Mr. Goddard gave notice that on to-morrow or some subsequent day of the session he would ask leave to introduce a bill to provide for the safe keeping of the dockets of Justices of the Peace.

Also, to allow bills of exceptions to the decisions of Justices of the Peace in cases of forcible entry and detainer.

Also, to allow writs of error and certiorari to the court of common pleas in such cases before the final trial.

Also, to disallow days of grace on sight drafts, and concerning bills falling due on holidays.

Also, to subject carriers of passengers, by land or water, to damages when death ensues from carelessness.

Also, to allow chancery cases to be remanded from the supreme court to the court of common pleas for execution.

Also, in relation to judicial proceedings in favor of and against dissolved corporations.

Also, to amend the act allowing and regulating writs of attachment.

Mr. Lewis, in accordance with previous notice, introduced the following bill:

S. No. 168; A bill to incorporate the Cadiz high school.

Said bill was read the first time.

On motion of Mr. Archbold,

A message was sent to the House requesting the return of House bill No. 43, to regulate the levying of a tax for road purposes in the counties of Belmont and Ashtabula.

On motion of Mr. Ankeny,

The petitions for the new county of Orange were withdrawn.

Mr. Corwin presented the annual report of State Board of Agriculture.

Mr. Corwin moved that the report be laid upon the table, and the same be sent to Charles Scott to be printed, provided said Scott shall be paid no higher price therefor than was authorized to be paid for similar printing by the last General Assembly.

Mr. Ankeny moved a call of the Senate, which was ordered.

Messrs. Beaver, Claypool, Emrie, Graham, Patterson, Scott, Swift and Whitman, were absent.

On motion of Mr. Bennett,

All further proceedings under the call were dispensed with.

The question being on laying the report on the table to be printed by Charles Scott,

Mr. Myers called for a division.

The question then being on laying the report on the table, was agreed to.

The question then recurring on the report being printed by Charles Scott,

Mr. Myers moved to amend by striking out the name of "Charles Scott," and inserting that of "Jonathan Phillips."

Mr. Myers withdrew his motion.

Mr. Byers moved a division of the question.

The question then was on sending it to Charles Scott.

Mr. Myers moved to strike out "Charles Scott," and insert "Jonathan Phillips."

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted, yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

The question then turning on sending the report to Charles Scott,

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Corwin asked leave to withdraw the report.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—18.

So the motion was lost.

Mr. Whitman offered for adoption the following resolution:

Resolved, That the usual number of copies of the report of the State Board of Agriculture be printed.

Mr. Archbold moved to amend the resolution by striking out "the usual number of," and insert "1500," which was agreed to.

Mr. Whitman moved a call of the Senate, which was ordered—all being present,

On motion of Mr. Burns,

All further proceedings under the call were dispensed with.

The question being on the adoption of the resolution as amended,

Mr. Bennett moved to amend the resolution as follows:

"Provided the work shall be done by the person having the contract for that species of printing, in accordance with the provisions of the act to provide for the State printing, passed March 12, 1845.

Mr. Claypool moved that the Senate adjourn.

Mr. Byers demanded the yeas and nays thereon, which were ordered, and resulted yeas 20, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Ewing, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—20.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

So the Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

TUESDAY, FEBRUARY 13, 1849.

Prayer by Rev. Mr. Crum.

Mr. Myers presented the petition of 11 citizens of Clinton and Dover townships, Lucas county, for the passage of a law to form a new school district.

Referred to the committee on Schools and School Lands.

Mr. Byers, from the standing committee on the Library, to which was referred Senate resolution relative to delivering copies of laws to Hocking county, reported the same back, and recommended the indefinite postponement of the resolution, which was agreed to.

Mr. Blake, from the standing committee on Federal Relations, to which was referred Senate joint resolutions relative to public lands, reported the same back and recommended their adoption; which was agreed to.

The same gentleman, from the same committee, to which was referred Senate joint resolutions relative to slavery, reported the same back with the following amendment—strike out the 1st and 2d resolutions and insert the following:

Resolved, That our Senators and Representatives in Congress be requested to use all honorable means to secure the application of so much of the ordinance of 1787, as relates to slavery, to all territories belonging to the United States.

Mr. Burns moved a call of the Senate, which was ordered.

Messrs. Archbold, Bennett, Patterson, Swift and Whitman were absent.

On motion of Mr. Wilson,

All further proceedings under the call were dispensed with.

The question being on agreeing to the amendment of the committee, the same was agreed to.

The question then recurred on agreeing to the resolutions as amended.

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 26, nays 9, as follows:

Those who voted in the affirmative were

Messrs. Backus, Beaver, Bennett, Blake, Blocksom, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Swift, Vinal, Worcester and Speaker—26.

Those who voted in the negative were

Messrs. Ankeny, Burns, Byers, Dimmock, Evans, Ewing, Scott, Whitman and Wilson—9.

So the resolutions were agreed to.

Mr. Chase, from the standing committee on Universities, Colleges and Academies, made the following report:

[See Appendix, page 159.]

The same gentleman introduced the following resolutions :

Resolved, by the General Assembly of the State of Ohio, That a joint select committee, consisting of one member on the part of the Senate and — members on the part of the House of Representatives, be appointed to examine into and report to the next session of this General Assembly the condition of Miami University, and the causes of its decline, with such recommendations for its improvement as they may deem proper to make.

Resolved, That said committee have leave to sit during the vacation of this General Assembly; that they have power to send for persons and papers, and to administer all oaths necessary to said investigation; and they shall receive as a compensation, for their services the sum of three dollars per day, and mileage, such as is now by law allowed to members of this General Assembly.

Said report and resolutions were laid on the table.

Mr. Whitman, on leave, presented the remonstrance of 37 citizens of Fairfield county, against the homestead exemption bill.

Referred to the standing committee on the Judiciary.

Mr. Archbold, from a majority of the standing committee on the Judiciary, to which was referred S. No. 24, concerning the powers of the State Auditor, reported the same back and made the following report:

[See Appendix, p. 33.]

On motion of Mr. Dennison,

The bill and report were recommitted to the standing committee on the Judiciary.

Mr. Vinal, from the standing committee on Enrollment, made the following report:

The standing committee on Enrollment report, that they have examined an act to amend an act entitled an act for the support and better regulation of common schools in the city of Columbus, passed February 3, 1845, and find the same correctly enrolled.

Mr. Myers, from the standing committee on Roads and Highways, introduced the following bill:

S. No. 169; To repeal a part of a certain act therein named.

Said bill was read the first time.

Mr. Blocksom, from the standing committee on Railroads and Turnpikes, to which was referred Senate bill No. 104, reported the same back without amendment, and recommend its engrossment; which was agreed to.

The same gentleman, from the same committee, to which was referred Senate bill No. 114, granting the right of way to the Junction Railroad Company, and extending its privileges, reported the same back with one amendment, which was agreed to, and the bill was ordered to be engrossed.

The same gentleman, from the same committee, to which was referred Senate bill No. 98, to incorporate the Malta and Putnam Plank Road Company, have had the same under consideration and reported it back with sundry amendments, which were agreed to.

Said bill was ordered to be engrossed.

Ordered that said bills be read a third time to-morrow.

Mr. Kendall, from the select committee on the subject, introduced the following bill:

S. No. 170; To extend the corporate limits of the town of Portsmouth.

Said bill was read the first time.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. No. 166; To lay out and establish the Port Lawrence and Springfield Free Turnpike Road.

S. No. 167; For the extension of the Western Reserve and Maumee Road.

H. No. 62; Supplementary to the act to prevent injury by dogs, passed December 24, 1844.

S. No. 168; To incorporate the Cadiz High School.

H. No. 89; To provide for the protection of sheep and to impose a tax on dogs, in the counties of Belmont, Harrison, Jefferson, Champaign, Delaware, Erie, Marion, Licking, Hardin, Clark, Trumbull, Guernsey, and Morrow.

The following bills were read a third time and passed:

S. No. 74; To amend the act entitled an act to incorporate the Medina county Mutual Fire Insurance Company.

S. No. 102; To incorporate the Cleveland Mutual Insurance Company.

S. No. 103; To incorporate the Miller Academy.

S. No. 111; Further to amend the act incorporating the city of Cincinnati, passed March 1, 1834.

H. No. 26; To amend an act to incorporate the Farmers' Mutual Fire Insurance Company of Medina county.

H. No. 27; To amend the act to encourage the organization of fire companies, and to repeal former acts, passed February 8, 1847.

Ordered that the titles be as aforesaid.

On motion of Mr. Judy,

The Senate took a recess.

THREE O'CLOCK, P. M.

The following bills were read a third time and passed:

H. No. 42; To repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and Highways, passed January 15, 1845.

H. No. 51; To incorporate the Otterbein University of Ohio.

H. No. 68; To incorporate the Waynesville and Sugar Creek Turnpike Company.

H. No. 70; To incorporate the Relief Fire Company of the city of Chillicothe.

H. No. 81; To incorporate the Savannah Toll Bridge Company, in the county of Athens.

H. No. 84; To amend an act passed February 4, 1836, entitled an act to incorporate the town of Jefferson, in the county of Ashtabula.

Ordered that the titles be as aforesaid.

The following bill was read a third time:

H. No. 136; To incorporate the Oxford Female Institute at the town of Oxford, in the county of Butler.

The question being "shall the bill pass?" it was lost.

The following bills were read a third time:

S. No. 81; To authorize the city council of the city of Cincinnati to borrow such sums of money as may be required for the improvement of the city water works.

The question being on agreeing to the title,

Mr. Dubbs moved to amend as follows:

Strike out all after the word "borrow" and insert "two hundred thousand dollars;" which was agreed to.

The title as amended was agreed to.

S. No. 85; Further to amend the act entitled an act to provide for the internal improvement of the State of Ohio by navigable canals.

Mr. Archbold offered the following amendment by way of rider:

That the last clause of the act of the 13th February, 1832, entitled an act to amend the act to provide for the internal improvement of the State of Ohio by navigable canals, so far as the same entitles any individual to damages occasioned by the breach of any canal or reservoir in this State, be and the same is hereby repealed.

Mr. Dubbs demanded the yeas and nays thereon, which were ordered and resulted—yeas 8, nays 26, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Beaver, Blocksom, Byers, Chase and Graham—8.

Those who voted in the negative were

Messrs. Backus, Bennett, Blake, Burns, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson and Worcester—26.

So the motion was lost.

Said bills were severally passed.

Ordered that the titles be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 258; To provide for the construction of a side cut connecting the Wabash and Erie Canal with the Maumee River at Napoleon, or a bridge across said river.

H. No. 259; Granting to the trustees and principal teacher of Greenfield Seminary, in Highland county, authority to confer degrees, &c.

H. No. 260; To repeal an act entitled an act to amend an act entitled an act granting licenses and regulating taverns, passed February 3, 1845.

H. No. 261; To amend an act entitled an act to authorize the trustees of townships in certain counties to levy an additional road tax, passed February 22, 1848.

The House has also passed the following Senate bill with an amendment:

S. No. 117; To provide for the sale of the Western Reserve school lands.

Attest:

STANLEY MATTHEWS, Clerk.

House amendment to S. No. 117 was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 251; To authorize the commissioners of the counties of Madison and Fayette to subscribe to the capital stock of the Madison and Fayette Turnpike Company.

H. No. 252; To confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of the General Assembly of Kentucky, passed February 17, 1846, with certain limitations.

H. No. 253; To incorporate the Darke county Medical Society.

H. No. 254; Supplementary to an act entitled an act to incorporate the Washington Fire Engine Company of the town of Mount Vernon, passed February 18, 1840.

H. No. 255; To repeal an act entitled an act to lay out and establish a certain free turnpike therein named.

H. No. 256; To protect public grounds and enclosures and prevent certain animals from running at large.

H. No. 257; To authorize the sale of the northwest quarter of school section sixteen, in Buck township, Hardin county.

The House has also passed the following Senate resolution:

Relative to furnishing Directors of Penitentiary with books.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 249 ; To incorporate the Cincinnati, Batavia and Williamsburgh Railroad Company.

H. No. 250 ; To lay out and establish a State road in the counties of Defiance and Henry, from Liberty township, in Putnam county, to the Van Buren, Independence and Ridgville free turnpike road, in Henry county.

Attest :

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills :

H. No. 76 ; To incorporate the Lake Erie and Milan Plank Road Company.

H. No. 101 ; To compel mortgagees and others to enter satisfaction of mortgages within three months after payment of mortgage money or satisfaction of the condition of such mortgage.

H. No. 117 ; To amend the act to incorporate the Great Western Railroad Company.

H. No. 134 ; To amend an act entitled an act for the improvement and repair of the Cincinnati and Carthage road and for other purposes, passed February 4, 1848.

H. No. 170 ; To fix the times of holding the courts of common pleas in the fifteenth judicial circuit.

H. No. 198 ; To revive and amend an act entitled an act to incorporate the Tiffin Savings Institution, passed March 3, 1834.

H. No. 200 ; To amend the act entitled an act to incorporate the Tiffin and Findlay Plank Road Company, passed February 24, 1848.

H. No. 223 ; To lay out and establish the West Elkton Free Turnpike Road.

The House has also passed the following Senate bill with amendments :

S. No. 19 : To incorporate the Perryshburgh and Findlay Plank Road Company.

Attest :

STANLEY MATTHEWS, Clerk.

Said House bills were read the first time.

House amendments to Senate bill No. 19, were agreed to.

Mr. Dennison in accordance with previous notice, on leave, introduced the following bills :

S. No. 171 ; Amendment to occupying claimant laws.

S. No. 172 ; To amend the act in relation to divorce and the care of children.

Said bills were severally read the first time.

The same gentleman introduced the account of Whiting & Huntington,

Which was referred to the committee on Claims.

Mr. Dubbs gave notice that on to-morrow or some subsequent day of the present session he would ask leave to introduce a bill to amend and reduce into one, the several acts relating to the Cincinnati, Hamilton and Dayton Railroad Company.

Mr. Dubbs also gave notice that he would on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to incorporate the town of Lockland, in Hamilton county.

Mr. Dennison, on leave, and in accordance with previous notice, introduced the following bill:

S. No. 173; To incorporate the Columbus Art Union.

Mr. Blocksom, on leave, and in accordance with previous notice, introduced the following bill:

S. No. 174; Prescribing the times of holding the courts of common pleas in the fifth judicial circuit.

Said bills were severally read the first time.

Mr. Horton gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to amend the act to lay out and establish a graded State road in the counties of Meigs, Gallia and Jackson, passed January 28, 1848.

Mr. Wilson gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to extend the time for the organization of the Tiffin and Findlay Plank Road Company.

The Speaker laid before the Senate the special report of the Governor relative to resolutions passed by the Legislature of South Carolina in regard to the Wilmot Proviso.

Also the special report of the Governor, relative to the resignation of R. B. Milliken, as Major General 19th Division, Ohio Militia.

Also the special report of the Governor, relative to the vacancy of Associate Judge in Mercer county.

Also the special report of the Auditor of State relative to the taxes paid by banks.

[See Vol. Pub. Doc.]

Severally laid on the table.

On motion of Mr. Bennett,

The Senate reconsidered the vote on H. No. 136; To incorporate Oxford Female Institute, at the town of Oxford, in the county of Butler.

Said bill was then passed.

Ordered that the title be as aforesaid.

Mr. Goddard, in accordance with previous notice, introduced the following bill:

S. No. 175; A bill in relation to Judicial proceedings in favor of and against dissolved corporations.

Said bill was read the first time.

On motion of Mr. Blake,

Resolved, That the standing committee on public printing, be instructed to examine and report,

1st. Whether any contract has been made for the public printing under the law to provide for the state printing, passed on the 12th of March, 1845, and with whom.

2d. Whether the person or persons contracting for the public printing under said law, have on their part so executed their contract, as to entitle them to claim a fulfillment of such contract on the part of the State.

Mr. Backus gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to amend the act regulating Railroad companies, passed February 11, 1848.

Also to introduce a bill to amend the act incorporating the Rockport Plank company.

On motion of Mr. Whitman,

The committee of the whole were discharged from the further consideration of S. No. 164; To incorporate the town of Sagar Grove Fairfield county, and the bill was referred to a select committee of one—Mr. Whitman.

Mr. Myers, in accordance with previous notice, introduced the following bill:

S. No. 176; To amend the act to lay out and establish the Toledo and Port Clinton Free Turnpike Road.

Said bill was read the first time.

On motion of Mr. Burns,

Resolved, By the General Assembly of the State of Ohio, that the Secretary of State be and he is hereby authorized and required to forward with the laws and journals of the present session, to the Clerk of the Court of Common Pleas of Richland county, three copies of Swan's collated statutes, for the use of each of the townships of Cass, Jackson, Troy and Perry, in said county. Also three copies of the local and general laws for the year 1845, '46, '47, and '48, for the use of said townships, provided said laws are within the possession or control of said Secretary, and one copy of the 16 vol. Ohio Reports to the clerk of Hocking county.

Mr. Dennison gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to amend the act entitled an act to authorize the commissioners of Franklin county and the city council of Columbus, to subscribe stock to certain railroad companies, passed February 6, 1847.

Mr. Backus moved that the Senate resolve itself into the committee of the whole, on the special order of the day, S. No. 39; Making appropriations for the year 1849.

Mr. Whitman moved a call of the Senate, which was ordered and Messrs. Ewing, Horton and Worcester were absent.

On motion of Mr. Goddard,

Messrs. Ewing and Horton were excused owing to sickness.

On motion of Mr. Backus,

All further proceedings under the call were dispensed with.

The question being on going into the committee of the whole, on the special order of the day, Mr. Burns demanded the yeas and nays

thereon, which were ordered and resulted, yeas 17, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—17.

So the motion was lost.

Mr. Chase offered for adoption the following resolution:

Resolved, That the committee on Finance be instructed to inquire whether, by the laws in existence against stock companies, including railroad and turnpike companies, banks and stage companies, are taxed for all purposes as other property, and that if they are not so taxed, that they report a bill imposing such taxes, and that they provide in said bill for taxing all state bonds held by persons in this state, except those bonds issued by virtue of laws wherein the faith of the state is pledged, not to tax them.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 17, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

So the motion was lost.

Mr. Claypool, on leave, from the standing committee on the Penitentiary, made the following report:

The standing committee on the Penitentiary, to which was referred the petition of A. Hathaway and 8 other guards of the Ohio Penitentiary, have had the same under consideration, and ask leave to report the following resolution:

Resolved, By the General Assembly of the State of Ohio, that the Warden of the Ohio Penitentiary be empowered to employ two additional guards at a rate not exceeding thirty dollars per month each.

The resolution was laid on the table.

On motion of Mr. Goddard,

The Senate resolved itself into the committee of the whole on the order of the day, Mr. Archbold in the chair, and after some time spent

therein, arose and reported back the following bills, some with and some without amendments:

S. No. 64; To prevent magistrates of counties, cities or towns corporate, judges, justices of the peace, and other public officers, from acting in official capacity in cases of alleged fugitives from labor, denominated slaves, to prohibit the use of jails and other public buildings to slave captors.

Referred to the standing committee on the Judiciary.

S. No. 106; To authorize the directors of school district No. 13, in Jefferson township, Fayette county, Ohio, to sell and convey certain real estate, with amendments, which were agreed to:

Ordered to be engrossed and read the third time on to-morrow.

S. No. 107; To incorporate Toledo Lodge No. 14, of Free and Accepted Masons, in the county of Lucas, with amendments, which were agreed to.

Referred to the standing committee on the Judiciary.

S. No. 108; Fixing the time of performing labor on roads and highways, with amendments which were agreed to.

Ordered to be engrossed and read a third time to-morrow.

S. No. 109; To lay out and establish a graded state road in the counties of Washington and Morgan.

Ordered to be engrossed and read a third time to-morrow.

S. No. 112; Further to amend an act to dispense with proof in certain cases, passed December 18, 1823, with amendments.

Referred to the standing committee on the Judiciary.

S. No. 113; Authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland and Pittsburgh Railroad company.

Referred to a select committee of one—Mr. Backus.

On motion of Mr. Beaver,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

WEDNESDAY, FEBRUARY 14, 1840.

Mr. Burns presented the petition of 21 citizens of Richland county, for the election of John H. Culbertson as an associate judge of said county.

Laid on the table.

Mr. Archbold presented the remonstrance of S. Genin, against the passage of the bill to charter the town of St. Clairsville.

Referred to the standing committee on Corporations.

Mr. Claypool presented the petition of Edward Adams and 48 other

citizens of Ross county, for the passage of a law to build a lock at the feeder dam below Chillicothe.

Referred to the standing committee on public works.

Mr. Archbold presented sundry petitions from 475 citizens of Washington county, praying for the erection of the new county of Chester.

Also the petition of 39 citizens of Morgan county, on the same subject.

Also the petition of 123 citizens of Athens county, on the same subject, together with the papers containing the notice.

Referred to the standing committee on new counties.

Mr. Patterson presented the petition of Daniel W. Carron and 66 citizens of Newark, Licking county, for the passage of a law to authorize the town council of Newark, to subscribe to the Newark Plank Road company, not exceeding \$10,000.

Referred to the standing committee on corporations.

Mr. Vinal presented the petition of Charles Anthony and 75 others, for an act to authorize the town council of Springfield to open and extend Market street in said town.

Referred to a select committee of one—Mr. Vinal.

Mr. Backus presented the petition of H. S. Gaylord and 61 other citizens of Cuyahoga county, for an amendment to the law collecting school tax.

Referred to the standing committee on Schools and School Lands.

Mr. Conklin presented the petition of James Blair, and 196 citizens of Shelby county, to repeal the act of February 3, 1845, in regard to tavern license, and to submit the question to a vote of the people.

Referred to the standing committee on the Judiciary.

Mr. Corwin presented the petition of Robert G. Perkins, for remuneration for damages sustained by the construction of the Sidney Feeder.

Referred to the standing committee on Claims.

Also, the petition of Elias Roberts, asking for an alteration in the limits of the town of Xenia.

Referred to a select committee of three—Messrs. Corwin, Chase and Backus.

Mr. Burns, from the standing committee on Benevolent Institutions, made the following report:

The standing committee on Benevolent and Public Institutions, to which was referred the memorial of Horace S. Gillet, Thomas Bonnell and W. H. Latham, speaking teachers in the Ohio Institution for the Deaf and Dumb, praying for an increase of their wages, have had the same under consideration, and now beg leave to submit the following report:

From the papers referred to your committee, it appears that said teachers are now receiving \$700 per annum each; that they are gentlemen of experience, as teachers, one of them having been in the Institution for eight years and the others for four years each; an increase of the wages is recommended by the Superintendent and Trustees of the Institution. Your committee in view of the facts submitted for

consideration, recommend that the salaries or wages of each of said speaking teachers be increased the sum of fifty dollars per annum, so that the salaries of said teachers will hereafter be seven hundred and fifty dollars per annum; your committee, therefore, recommend that the sum of \$150 be added to the amount usually appropriated for the purpose of defraying the expenses of said Institution, so as to enable the Trustees of said Institution to make the allowance recommended.

Respectfully submitted,

B. BURNS,
JOHN F. BEAVER,
SAMUEL PATTERSON.

The question being on the adoption of the report,

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 28, nays 4, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennet, Blake, Blocksom, Burns, Claypool, Conklin, Corwin, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Patterson, Swift, Vinal, Wilson and Worcester—28.

Those who voted in the negative, were

Messrs. Byers, Myers, Scott and Speaker—4.

So the report was adopted.

Mr. Beaver, from the select committee to which was referred S. No. 22, to prevent hunting, killing or destroying Deer at certain seasons of the year, reported the same back with amendments.

Which were agreed to.

The question being on the engrossment of the bill,

Mr. Archbold demanded the yeas and nays, which were ordered and resulted, yeas 23, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Blocksom, Claypool, Conklin, Corwin, Dimmock, Dubbs, Emrie, Goddard, Graham, Haines, Hendricks, Horton, Kendall, Lewis, Patterson, Swift, Vinal, Worcester and Speaker—23.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Burns, Byers, Chase, Evans, Judy, Myers, Scott and Wilson—10.

So the bill was ordered to be engrossed and read the third time tomorrow.

Mr. Myers, from the select committee to which was referred S. No. 23, to amend the act entitled an act to incorporate the Toledo Plank Road company, passed January 28, 1848, reported the same back with sundry amendments, as follows.

First amendment, sec. 1, line 8, strike out "a majority," and insert "three-fourths."

Second amendment, sec. 2, line 1, strike out "a majority," and insert "three-fourths."

Third amendment, sec. 9, strike out all of the section after "1848" in the 13th line.

Fourth amendment, sec. 11, add at the end of the section "first paying those in the hands of the company or companies."

Fifth amendment, strike out all after "14," in the 14th section, and insert "the Toledo Plank Road company shall have the right to connect this road or any branch thereof with any other plank road or branch which shall hereafter be constructed by virtue of any law of this state."

The first, second, third and fourth amendments were severally agreed to.

The question being on agreeing to the fifth amendment,

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted, yeas 24, nays 5, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Blocksom, Chase, Dimmock, Dubbs, Evans, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Wilson, Worcester and Speaker—24.

Those who voted in the negative, were

Messrs. Archbold, Burns, Byers, Claypool, and Hendricks—5.

To the amendment was agreed to.

The question being, "Shall the bill pass?"

Mr. Goddard moved to amend as follows, which was agreed to:

Add to Sec. 7, "until the General Assembly shall otherwise provide."

Mr. Byers moved to refer the bill to a select committee of one. Lost.

Said bill was then passed.

Ordered, that the title be as aforesaid.

Mr. Backus, from the select committee to which was referred S. No. 113; Authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland and Pittsburgh Railroad Company, reported the same back with sundry amendments, which were agreed to.

The bill was ordered to be engrossed and read a third time to-morrow.

Mr. Beaver (on leave) presented the memorial of J. M. Brown and other citizens of Trumbull county, for a law prohibiting Plank road companies from taking timber and stone from lands unless first compensating them.

Mr. Blake (on leave) presented the petition of the faculty, teachers and students of the Granville college, for the repeal of all laws for selling intoxicating liquors.

Said petitions were referred to the standing committee on the Judiciary.

Mr. Whitman (on leave) presented the petition of sundry citizens of Meigs county, for the appointment of William McCoy an associate judge for said county.

Laid on the table.

The following bills were read the second time, committed to the committee of the whole Senate and made the order of the day for this day:

S. No. 169; To repeal a part of a certain act therein named.

S. No. 170; To extend the corporate limits of the town of Portsmouth.

S. No. 171; Making an amendment to the occupying claimant law.

S. No. 172; To amend the act in relation to divorce and the care of children.

S. No. 173; To incorporate the Columbus Art Union.

S. No. 174; Prescribing the times of holding the courts of Common Pleas in the 5th judicial circuit.

S. No. 175; In relation to judicial proceedings in favor of and against dissolved corporations.

S. No. 176; To amend the act to lay out and establish the Toledo and Port Clinton free turnpike road.

H. No. 76; To incorporate the Milan and Lake Erie Plank Road Company.

H. No. 101; To compel mortgagees and others to enter satisfaction of mortgages within three months after payment of the mortgage money, or satisfaction of the condition of such mortgage.

H. No. 117; To amend the act to incorporate the Great Western Railroad Company.

H. No. 134; To amend an act entitled "an act for the improvement and repair of the Cincinnati and Carthage road, and for other purposes," passed February 4, 1848.

H. No. 170; To fix the times of holding the court of Common Pleas in the 15th judicial circuit.

H. No. 198; To revive and amend an act entitled an act to incorporate the Tiffin Savings Institute, passed March 21, 1834.

H. No. 200; To amend the act entitled an act to incorporate the Tiffin and Findley Plank Road Company, passed February 24, 1848.

H. No. 223; To lay out and establish the West Elkton free turnpike road.

On motion of Mr. Bennett,

S. No 174 was referred to a select committee of three—Messrs. Bennett, Graham and Blocksom.

On motion of Mr. Goddard,

H. No. 170 was referred to a select committee of two—Messrs. Goddard and Archbold.

The following bills were read a third time and passed:

S. No. 98; To incorporate the Malta and Putnam Plank Road Company.

S. No. 104; To authorize the commissioners of Highland county to subscribe to the capital stock of the Hillsborough and Cincinnati Railroad Company.

S. No. 106; To authorize the directors of school district No. 13, in Jefferson township, Fayette county, Ohio, to sell and convey certain real estate.

S. No. 109; To lay out and establish a graded state road in the counties of Washington and Morgan.

S. No. 114; Granting the right of way to the Junction Railroad Company, and extending its privileges.

Ordered, that the titles be as aforesaid.

The following bill was read a third time:

S. No. 108; Fixing the time of performing labor on roads and highways.

Referred to a select committee of one—Mr. Conklin.

Mr. Goddard, in accordance with previous notice, introduced the following bill:

S. No. 177; Further to amend the act to regulate the action of forcible entry and detainer.

Mr. Backus, in accordance with previous notice, introduced the following bill:

S. No. 178; Further to amend "an act regulating railroad companies," passed Feb. 11, 1848.

Said bills were severally read the first time.

Mr. Backus gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act to incorporate the Cleveland Gaslight and Coke Company.

Mr. Backus, (for Mr. Dennison) in accordance with previous notice, introduced the following bill:

S. No. 179; To authorize the city council of the city of Columbus to lay out streets and alleys across the old penitentiary lot in said city.

On motion of Mr. Backus,

Resolved, That the standing committee on the Judiciary be instructed to inquire into the expediency of so amending the act, passed Feb. 26, 1848, entitled "an act to amend an act directing the mode of proceeding in chancery," as to embrace within its provisions cases in which such defendants *have already* conveyed, assigned, removed, concealed or disposed of their property with intent, or so as to defraud, hinder or delay their creditors.

Mr. Vinal gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to amend "an act entitled an act to amend an act directing the mode of proceeding in chancery," passed Feb. 21, 1846.

Also, a bill to incorporate the Springfield Gaslight and Coke Company.

Mr. Ankeny offered for adoption the following:

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be, and he is hereby, authorized and requested to furnish the Auditor of Morrow county with 40 copies of Swan's Collated Statutes, for the use of the county and township officers in said county. Also, a sufficient number of copies of laws of a general and local character, since the year 1831, if on hand and to be spared, for

said county. Also, fifty copies of the bound school law for the use of said county of Morrow.

Referred to the standing committee on the Library.

Mr. Whitman gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to repeal all laws relating to licensing the sale of spirituous liquors.

Also, a bill relating to county surveyors.

On motion of Mr. Emrie,

Resolved, That the Secretary of State be requested to furnish this Senate with a copy of all bids made for the public printing under the act, passed February 21, 1846, supplementary to the act to provide for the state printing.

Also, That he be requested to lay before the Senate a copy of the assignment, made by Wm. B. Thrall to Charles Scott, of the printing awarded to said Scott upon said Thrall's bids.

Also, That he inform the Senate when the last of said bids were opened, and on what day the awards under the letting were made.

Mr. Corwin, (for Mr. Dennison) in accordance with previous notice, introduced the following bills:

S. No. 180; To amend the act entitled "an act to authorize the commissioners of Franklin county, and the city council of the city of Columbus, to subscribe stock to certain railroad companies," passed Feb. 6, 1847.

S. No. 181; To incorporate the Evangelical Lutheran Synod of Ohio and adjacent states.

S. No. 182; To incorporate the Ohio Educational Society of the Evangelical Lutheran Church.

Mr. Horton, in accordance with previous notice, introduced the following bill:

S. No. 183; To amend an act entitled "an act to lay out and establish a graded state road in the counties of Meigs, Gallia and Jackson," passed January 28, 1848.

Mr. Judy, in accordance with previous notice, introduced the following bill:

S. No. 184; To incorporate the Delaware, Marysville, Milford, Mechanicsburgh and Springfield Railroad Company.

Mr. Dubbs, in accordance with previous notice, introduced the following bills:

S. No. 185; To amend and reduce into one the several acts relating to the Cincinnati, Hamilton and Dayton Railroad Company.

S. No. 186; To incorporate the town of Lockland, in the county of Hamilton.

Said bills were severally read the first time.

Mr. Chase gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to amend the charter of the Milville, Reily and Milton Turnpike Company.

Mr. Dimmock gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act entitled "an act to incorporate the Bellefontaine and Indiana Railroad Company."

Mr. Goddard offered the following for adoption:

Resolved by the Senate and House of Representatives, That both branches of this General Assembly will adjourn without day on the 8th day of March next.

Mr. Whitman moved a call of the Senate.

Messrs. Ewing and Dennison absent.

On motion of Mr. Goddard,

All further proceedings under the call were dispensed with.

The question being on the adoption of the resolution,

Mr. Byers moved to lay the resolution on the table.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 17, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

So the motion was lost.

Mr. Burns moved to refer the resolution to a select committee of one.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 17, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—17.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

So the motion was lost.

The question then recurring on the passage of the resolution,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 17, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

Those who voted in the negative were,

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dim-

mock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—17.

So the resolution was lost.

On motion of Mr. Blake,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Goddard in the chair, and after some time spent therein rose and reported back the following bills, some with and some without amendments:

S. 115: To repeal so much of the 6th section of the act of January 22, 1848, entitled "an act to provide for the assessment of personal property, and the valuation of new entries and new structures, as requires the county Auditor to enter upon the duplicate of the county the amount of tax levied for road purposes.

Referred to a select committee of two—Messrs. Worcester and Archbold.

S. 116: To incorporate the Warren & Lake Erie Plank Road Company.

Referred to the standing committee on railroads and turnpikes,

S. 118: To revive the 4th section of a certain act therein named.

S. 119: To authorize the sale of section 16, in Liberty township, Seneca county.

Ordered that said bill be engrossed and read a third time to-morrow.

S. 120: To authorize the city council of the city of Columbus to occupy a part of a certain street and alley therein mentioned for a market house.

Severally referred to the standing committee on corporations.

S. 121: To amend an act to incorporate the Dayton, Lebanon & Deerfield Railroad Company, passed February 6, 1847, and the act amendatory thereto, passed February 14, 1848.

Referred to a select committee of one—Mr. Hendricks.

S. 122: In relation to taxes, schools, and sewers in the city of Toledo.

Referred to the standing committee on Finance.

S. 123: To incorporate the trustees of Pomroy Academy.

Referred to the standing committee on corporations.

Mr. Corwin moved that the Senate take a recess.

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted yeas 21, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dubbs, Haines, Horton, Judy, Kendall, Patterson, Scott, Swift, Vinal and Wilson—21.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Dimmeck, Emrie, Evans, Goddard, Graham, Hendricks, Lewis, Myers, Whitman, Worcester and Speaker—13.

So the Senate took a recess.

THREE O'CLOCK, P. M.

On motion of Mr. Goddard,

The Senate resolved itself into the committee of the whole on the order of the day, Mr. Whitman in the chair, and after some time spent therein, rose and reported back the following bills:

H. 73: To incorporate the town of Youngstown, in the county of Mahoning.

The question being on ordering said bill to a third reading,

On motion,

The bill was read a third time and passed.

Ordered that the title be as aforesaid.

H. 78: Further to amend an act entitled an act for the incorporation of townships, passed March 5, 1831, with an amendment, which was agreed to.

Indefinitely postponed.

H. 88: To incorporate the Farmington Normal School, in the county of Trumbull.

Ordered to be read a third time to-morrow.

H. 137: For the better support and regulation of common schools in district No. 4, in Washington township, Preble county, in this State.

Ordered to be read a third time to-morrow.

H. 144: To authorize the sale of school section 16, Plain township, Wood county.

Ordered to be read a third time to-morrow.

H. 145: To extend the charter of the Perrysburg Canal and Hydraulic Company.

Ordered to be read a third time to-morrow.

H. 167: To incorporate the town of Rockcreek, in the county of Ashtabula.

Ordered to be read a third time to-morrow.

H. 94: To incorporate the Hocking County Savings Institute, at Logan.

Referred to the standing committee on the Currency.

H. 12: To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

Referred to the standing committee on the Judiciary.

H. 160: To amend an act entitled an act to encourage Teachers Institutes, passed February 8, 1847.

Referred to the standing committee on Schools and School Lands.

H. 139: To regulate a certain school district, in the township of Orwell, Ashtabula county.

Ordered to be read a third time to-morrow.

H. 103: To incorporate the Northern Fire Company of Cincinnati.

Referred to the standing committee on corporations.

H. 161: To incorporate the Franklin & Germantown Turnpike Road Company.

Ordered to be read a third time to-morrow.

22—S. J.

H. 23: To authorize the administrators of William S. Tracy, deceased, to complete real contracts.

Referred to the standing committee on the judiciary.

H. No. 35; To incorporate the Saving Fund Society of Woodfield.

Referred to the committee on the Currency.

H. No. 165; To amend the act entitled an act for the support and better regulation of common schools, so as to allow the trustees of Richland township, Belmont county, to divide the town of St. Clairsville into two or more school districts.

Referred to a select committee of one—Mr. Archbold.

H. No. 152; To amend the act passed February 8, 1847, entitled an act accepting the charter and franchises of the first range turnpike company, in Ashtabula county, and declaring said road a free turnpike road.

Referred to the committee on Railroads and Turnpikes.

H. No. 95; To authorize the sale of school lands belonging to Union township, (fractional,) Champaign county.

Referred to the committee on Schools and School Lands.

H. No. 97; To amend the act entitled an act to incorporate the town of Elyria.

Referred to the committee on Corporations.

H. No. 100; To lay out and establish a State road in the counties of Washington and Athens.

Referred to the committee on Roads and Highways.

H. No. 110; To incorporate the Columbia and New Richmond Turnpike Bridge company.

H. No. 93; To incorporate the Milford, Edenton and Woodville Turnpike company.

H. No. 107; To extend the Monroeville Plank road company to the town of Elyria in Lucas county.

Said bills were severally referred to the committee on Railroads and Turnpikes.

H. No. 91; To authorize the sale of school lands in Venice township, Seneca county, O.

Ordered to a third reading on to-morrow.

H. No. 109; To provide for the sale of school section 16, in Blanchard township, Hardin county, O.

Referred to the committee on Schools and School Lands.

H. No. 108; Further to amend the act entitled an act to regulate the practice of the judicial courts.

Referred to the committee on the Judiciary.

H. No. 115; To authorize the sale of school lands belonging to Tymochtee township, Wyandotte county.

Referred to committee on Schools and School Lands.

H. No. 112; To incorporate the Union Bridge and Cincinnati Turnpike company.

H. No. 119; To incorporate the Bellbrook and Beaver Creek Turnpike Road company.

Said bills were severally referred to the committee on Railroads and Turnpikes.

Mr. Goddard from the select committee to which was referred H. No. 170, to fix the times of holding the courts of common pleas in the 15th judicial circuit, reported the same back.

Said bill was then read the third time and passed.

Ordered that the title be as aforesaid.

Mr. Whitman, from the standing committee of Schools and School Lands, to which was referred S. No. 51, for the better organization of the public schools in cities, towns, &c., reported the same back with sundry amendments; which were agreed to.

Also reported back S. No. 66, to provide for the sale of certain school lands therein named, situate in Washington township, Miami county, with amendments; which were agreed to.

Also, S. No. 77; To authorize the sale of school section 16, in Monroe township, Preble county.

Said bills were ordered to be engrossed, and read a third time tomorrow.

Mr. Ankeny, from the standing committee on the Library, to which was referred Senate resolution relative to furnishing laws, &c., to Morrow county, reported the same back with one amendment.

On motion of Mr. Byers,

The resolution and amendment were recommitted to the same committee.

On motion of Mr. Archbold,

Resolved, That the Board of Public Works be requested to inform the Senate, what line of works in this State are so unproductive as not to yield revenue enough to keep the same in repair, and if such works exist, whether any action of the General Assembly could, in their opinion, increase their revenue without addition to the public debt; and whether such works ought, in their opinion, to be abandoned; and whether any of the canals or other public works of this State either are rendered unproductive or are likely to be rendered so, by railroads along or near their line.

On motion of Mr. Goddard,

Resolved, That the committee on the Library inquire, and report to the Senate, on the expediency of directing a distribution to the several counties of this State, of additional copies of Swan's collated statutes.

Mr. Hendricks presented the annual report of the Fund Commissioners.

Laid on the table to be printed.

On motion,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Backus in the chair, and after some time spent

therein, rose and reported back the following bills, some with and some without amendment:

S. No. 124; To incorporate the Chillicothe Cemetery Association.

Referred to the committee on Corporations.

H. No. 198; To revive and amend an act entitled an act to incorporate the Tiffin Savings Institution, passed March 3, 1834, with an amendment; which was agreed to.

Referred to the committee on the Currency.

S. No. 125; To amend an act entitled an act to incorporate the town of Sidney, passed March 1, 1834, with an amendment, which was agreed to.

Referred to the committee on Corporations.

S. No. 126; To lay out and establish a free turnpike road from the McCutchensville road to the Maumee and Western Reserve road in Wood county, with amendments, which were agreed to.

Referred to the committee on Roads and Highways.

S. No. 127; A bill to provide for the construction of culverts, and gates in mill dams in the township of Sylvania in the county of Lucas.

Referred to the committee on Public Works and Public Lands.

S. No. 128; A bill to create the Superior Court of Toledo.

Referred to the standing committee on the Judiciary.

On motion of Mr. Bennett,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

THURSDAY, FEBRUARY 15, 1849.

Prayer by the Rev. Dr. Hoge.

Mr. Ankeny presented the remonstrance of John Craig and 60 citizens of Wells township, Guernsey county, against the new county of Cumberland, or any division of said county.

Referred to a select committee of one—Mr. Ankeny.

Mr. Scott presented the petition of A. M. Stark and 51 others of St. Mary's, for a law to amend the charter of said town.

Referred to a select committee of one—Mr. Scott.

Mr. Goddard presented the petition of John O. Cram.

Referred to the committee on Public Works.

Mr. Worcester presented the petition of C. G. Dean and others for the extension of the Western Reserve and Maumee road.

Referred to the committee on Public Works.

Mr. Judy presented the petition of Joseph Mosier and 42 others of Morrow county, for a tax on dogs for the protection of sheep.

Referred to the standing committee on Agriculture.

Mr. Haines presented three remonstrances from 133 citizens of Marion township, Morgan county, against the new county of Chester.

Referred to the committee on New Counties.

Mr. Archbold, from the standing committee on the Judiciary, to which was referred S. No. 71, to provide for the better preservation of the bonds of executors and administrators of the estates of deceased persons, reported the same back with amendments.

On motion of Mr. Chase,

The bill and amendments were referred to a select committee of one, **Mr. Chase**.

Mr. Whitman, from the standing committee on Schools and School Lands, to which was referred the following bills, reported back H. No. 95 ; To authorize the sale of school lands belonging to Union township, (fractional) Champaign county ; reported the same back, and recommended its being ordered to a third reading.

Also H. No. 109; To provide for the sale of school section sixteen, in the township of Blanchard, county of Hardin, Ohio, reported the same back, and recommended its being ordered to a third reading.

Also H. No. 115 ; To authorize the sale of school land belonging to Tymochtee township, Wyandott county, reported the same back, with the same recommendation.

Also H. No. 160 ; To amend an act entitled an act to encourage Teachers Institutes, passed February 8, 1847, reported the same back with the same recommendation.

Said bills were severally ordered to be read the first time.

Also the petition of H. L. Gaylord and 61 others of Cuyahoga county, for an amendment to the law collecting school tax.

Also the petition of Peter Yost, of Ashland county, for an alteration in the school law.

Also the petition of William B. Franklin, Auditor of Ross county, relative to the school law.

Also Senate resolution relative to school funds.

Reported the same back and recommended that the committee be discharged from their further consideration, which was agreed to.

Mr. Archbold, from the standing committee on the Judiciary, introduced the following bill :

S. No. 187 ; To repeal the proviso to the forty-first section of the act for the punishment of crime.

Said bill was read the first time.

Mr. Corwin, from the standing committee on Corporations, to which was referred S. No. 89 ; To incorporate the St. Marys and Wapakonetta Plank Road Company, reported the same back and recommended its engrossment, which was agreed to.

Also S. No. 58 ; To incorporate the Toledo and Woodville Plank Road Company, without amendment, and recommended its engrossment, which was agreed to.

Also H. No. 75 ; To incorporate the Sandusky City and Castalia Plank Road Company, with amendments, which were agreed to.

Ordered, that said bills be read the third time to-morrow.

Also H. No. 64 ; To incorporate the Minster Fire Insurance Association, with one amendment, which was agreed to.

On motion of Mr. Ankeny,

The bill was recommitted to the same committee.

Mr. Whitman, from the standing committee on Schools and School Lands, to which was referred S. No. 16 ; To provide for the sale of section sixteen, in Carryall township, Paulding county, reported the same back, and recommended its engrossment, which was agreed to.

Ordered, that the bill be read a third time to-morrow.

Mr. Patterson, from the standing committee on Corporations, introduced the following bill :

S. No. 188 ; To authorize the town council of Newark to subscribe to the capital stock of the Newark Plank Road Company.

Said bill was read the first time.

Mr. Swift, from the standing committee on Currency, to which was referred H. No. 35 ; To incorporate the Saving Fund Society of Woodfield, reported the same back with one amendment.

Referred to Mr. Archbold as a select committee of one.

H. No. 198 ; To revive and amend an act entitled an act to incorporate the Tiffin Savings Institution, passed March 3, 1834, reported the same back and recommended its being ordered to a third reading.

Ordered, that said bill be read a third time to-morrow.

Mr. Goddard, from the standing committee on Public Works, reported back S. No. 127 ; and recommended its being referred to the standing committee on the Judiciary, which was agreed to.

Mr. Hendricks, from the select committee to which was referred S. No. 121 ; To amend an act entitled an act to incorporate the Dayton, Lebanon and Deerfield Railroad Company, passed February 6, 1847, reported the same back with one amendment, which was agreed to.

Ordered to be engrossed and read a third time to-morrow.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day :

S. No. 177 ; Further to amend the act to regulate the action of forcible entry and detainer.

S. No. 178 ; Further to amend an act regulating railroad companies, passed February 11, 1848.

S. No. 179 ; To authorize the city council of the city of Columbus to lay out streets and alleys across the old penitentiary lot in said city.

S. No. 180 ; To amend the act entitled an act to authorize the commissioners of Franklin county and the city council of the city of Columbus, to subscribe to the stock of certain railroad companies, passed February 6, 1847.

S. No. 181 ; To incorporate the Evangelical Lutheran Synod of Ohio and the adjacent States.

S. No. 182 ; To incorporate the Ohio Education Society of the Evangelical Lutheran church.

S. No. 183 ; To amend an act entitled an act to lay out a graded

State road in the counties of Meigs, Gallia and Jackson, passed January 28, 1848.

S. No. 184 ; To incorporate the Delaware, Marysville, Milford, Mechanicsburgh and Springfield Railroad Company.

S. No. 185 ; To amend and reduce into one, the several acts relating to the Cincinnati, Hamilton and Dayton Railroad Company.

S. No. 186 ; To incorporate the town of Lookland, in the county of Hamilton.

The following bills were read a third time and passed :

S. No. 51 ; For the better organization of the public schools in cities, towns, &c.

S. No. 66 ; To provide for the sale of certain school land therein named, situated in Washington township, Miami county.

S. No. 77 ; To authorize the sale of school section sixteen in Monroe township, Preble county.

S. No. 119 ; To authorize the sale of section sixteen in Liberty township, Seneca county.

H. No. 88 ; To incorporate the Farmington Normal School in the county of Trumbull.

H. No. 91 ; To authorize the sale of the school lands of Venice township, Seneca county.

H. No. 137 ; For the support and regulation of common schools in district No. 4, in Washington township, Preble county, in this State.

H. No. 139 ; To regulate a certain school district in the township of Orwell, Ashtabula county.

H. No. 144 ; To authorize the sale of school section sixteen, Plain township, Wood county.

H. No. 145 ; To extend the charter of the Perrysburg Canal and Hydraulic Company.

H. No. 167 ; To incorporate the town of Rock Creek, in the county of Ashtabula.

Ordered that the titles be as aforesaid.

The following bills were read a third time :

S. No. 22 ; To prevent hunting, killing or destroying deer at certain seasons of the year.

The question being, Shall the bill pass ?

Mr. Ankeny moved to amend by way of ryder, "that the provisions of this act shall not extend to the counties of Coshocton and Guernsey."

Mr. Wilson moved to postpone the bill and amendment to the first Monday in December next.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 19, nays 11, as follows :

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Bennett, Burns, Byers, Chase, Conklin, Dimmock, Emrie, Evans, Haines, Judy, Lewis, Myers, Scott, Vinal, Whitman and Wilson—19.

Those who voted in the negative, were

Messrs. Beaver, Blake, Blocksom, Dubbs, Goddard, Hendricks, Horton, Kendall, Swift, Worcester and Speaker—11.

So the bill was postponed.

S. No. 113 ; Authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland and Pittsburg Railroad Company, and to amend the charter of the same.

Laid on the table.

H. No. 161 ; To incorporate the Franklin and Germantown Turnpike Road Company.

Recommitted to a select committee of one, Mr. Bennett.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 157 ; To extend the corporate limits of the city of Cincinnati.

H. No. 45 ; Providing for bringing suits against certain incorporated companies.

H. No. 122 ; To authorize the courts of common pleas to remit fines in certain cases.

H. No. 123 ; To amend the act passed March 5, 1842, entitled an act to regulate the mode of collecting debts against turnpike companies in which the State is a stockholder, and to authorize the companies to appropriate their portion of the tolls for the completion of the roads and for other purposes, and the several acts amendatory thereof.

H. No. 147 ; To amend the act entitled an act prescribing the times of holding the court of common pleas in the fourteenth judicial circuit, and for other purposes, passed February 2, 1848.

H. No. 149 ; To repeal the act to lay out and establish the Mount Vernon, Bennington and Delaware Free Turnpike Road.

H. No. 153 ; To incorporate Troy Lodge No. 43, of the Independent Order of Odd Fellows.

H. No. 154 ; To repeal the act establishing a turnpike gate in the town of Fukton, Hamilton county, and for other purposes.

H. No. 156 ; For the relief of Nabby Wheeler.

H. No. 159 ; To incorporate the Maumee City Plank Road Company.

H. No. 166 ; To authorize the sale of a part of school section sixteen in Smithfield township, Jefferson county.

The House has passed the following Senate bills with amendments, in which the concurrence of the Senate is requested :

S. No. 129 ; To lay out and establish a State road in the counties of Guernsey and Coshocton.

S. No. 27 ; To incorporate the Painesville and Warren Plank Road Company.

Attest:

STANLEY MATTHEWS, Clerk.

Senate agreed to House amendment to Senate bill No. 129.

Also to House amendments to Senate bill No. 27.

Said House bills were severally read the first time.

Message from the House of Representatives.

Mr. Speaker :

The following bills have been introduced into the House and read the first time :

H. No. 262 ; To amend the act to incorporate the Mad River and Great Miami Railroad Company.

H. No. 263 ; To amend the act entitled an act to amend the act for levying taxes on all property in this State according to its true value, passed March 2, 1846, and for other purposes.

H. No. 264 ; To fix the times for holding the courts of common pleas in the 8th judicial circuit.

H. No. 265 ; To repeal the act entitled an act more effectually to prevent gambling, passed January 13, 1846.

H. No. 266 ; To suppress the Seneca County Bank.

H. No. 267 ; To suppress the City Bank of Sandusky.

H. No. 268 ; Authorizing the mayor and common council of the town of Minster to levy tax to pave side walks.

H. No. 269 ; To incorporate the Bentonville and New Market Turnpike Company.

H. No. 270 ; To authorize the sale of school land in Elizabeth township, Lawrence county, in this State.

H. No. 271 ; To incorporate the Mahoning Plank Road Company.

The House has also agreed to Senate resolution relative to the claim of John Graham.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker :

The House has agreed to Senate joint resolution calling on the Secretary of State for books for Richland and Hocking counties, with an amendment, in which the concurrence of the Senate is requested.

The House has agreed to Senate amendments to the following House bills :

H. No. 68 ; To incorporate the Waynesville and Sugar Creek Turnpike Company.

H. No. 70 ; To incorporate the Relief Fire Company of the city of Chillicothe.

H. No. 81 ; To incorporate the Savannah Toll Bridge Company in the county of Athens.

H. No. 90 ; To amend a part of the act incorporating the town of Steubenville.

H. No. 151 ; To incorporate the Cincinnati Institute.

Attest:

STANLEY MATTHEWS, Clerk.

The Senate agreed to House amendment to Senate joint resolution, also to the above bills:

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and resolutions, to which the signature of the Speaker of the Senate is requested:

H. No. 43; To regulate the levying of tax for road purposes in the counties of Belmont and Jefferson.

H. No. 13; To incorporate the Ashtabula Central Plank Road Company.

Joint resolution admitting Louisa Sheldon as a State patient into the Lunatic Asylum.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Whitman, in accordance with previous notice, introduced the following bill:

S. No. 189; To legalize a change in the town plat of Winchester, in Fairfield county, and to confirm the conveyances made by Reuben Dove, proprietor of Dove's addition to said town of Winchester, of the north half of lots Nos. 17 and 18, to Jacob Reese and others.

Mr. Vinal, on leave, from the select committee on the subject, introduced the following bill:

S. No. 190; To extend Market street, in the town of Springfield.

Said bills were read the first time.

Mr. Byers, on leave, presented the petition of James Y. Pinkerton and others, trustees of the Methodist Episcopal Church of Mt. Eaton, Wayne county, for an act to authorize the sale of a certain town lot owned by the church.

Referred to the standing committee on the Judiciary.

Mr. Swift offered for adoption the following:

Resolved, by the Senate and House of Representatives, That both branches of the General Assembly will meet in the Hall of the House of Representatives at three o'clock, P. M., on Friday, the sixteenth instant, and then and there proceed to elect, one United States Senator, two Judges of the Supreme Court, one President Judge of the Fourteenth Circuit, and one President Judge of the Ninth Circuit.

Mr. Whitman moved to lay the resolution on the table. Lost.

On motion of Mr. Swift,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on the adoption of Senate resolution to go into an election,

Mr. Wilson moved to lay the resolution on the table.

Mr. Beaver moved a call of the Senate, which was ordered, and Messrs. Archbold, Backus, Blake, Chase, Claypool, Corwin, Judy and Patterson, were absent.

On motion,

Mr. Corwin was excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on laying the resolution on the table,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 20, nays 13, as follows :

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Byers, Chase, Conklin, Dimmock, Dubbs, Emrie, Evans, Goddard, Horton, Myers, Patterson, Scott, Vinal, Whitman, and Wilson—20.

Those who voted in the negative, were

Messrs. Beaver, Bennett, Blake, Claypool, Graham, Haines, Hendricks, Judy, Kendall, Lewis, Swift, Worcester and Speaker—13.

So the resolution was laid on the table.

Mr. Goddard, in accordance with previous notice, introduced the following bill:

S. No. 191; Concerning negotiable instruments.

Said bill was read the first time.

On motion of Mr. Goddard,

Resolved, That the Clerk of the Senate may deliver to the committee on public works and public lands, the memorial and papers presented by J. O. Cram to the Senate, during the session of 1846-7.

Mr. Vinal, in accordance with previous notice, introduced the following bills:

S. No. 192; To incorporate the Springfield Gas Light and Coke company.

S. No. 193; To amend an act entitled an act to amend an act directing the mode of proceeding in Chancery, passed February 21, 1846.

Said bills were read the first time.

Mr. Ankeny asked leave to withdraw the papers relative to the county of Cumberland. Agreed to.

Mr. Worcester offered for adoption the following:

Resolved, By the General Assembly of the State of Ohio, that the superintendant of the Ohio Lunatic Asylum be and he is hereby directed to receive into said Asylum, Mrs. Isabella Johnston, of Huron county, upon the payment of one dollar and fifty cents per week, and that the balance of the expenses which may be necessary to defray the cost of keeping said Mrs. Isabella Johnston, in said Asylum, be paid by the State, in the same manner as those now in said Asylum, at the expense of the state are provided for.

Referred to the standing committee on public institutions.

On motion of Mr. Goddard,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Burns in the chair, and after some time spent therein, arose and reported back the following bills, some with and some without amendments:

S. No. 130; To amend the act entitled an act to incorporate the Ripley and Hillsborough Turnpike company, passed February 11th, 1832.

S. No. 131; To amend the act entitled an act to incorporate the Millford and Chillicothe Turnpike Road company, passed February 11, 1832.

S. No. 132; To incorporate the Conneaut and Youngstown Plank Road company, with amendments.

S. No. 133; To incorporate the Springfield and Northampton Turnpike company, with one amendment.

Said bills were severally referred to the standing committee on Railroads and Turnpikes.

S. No. 134; To amend an act entitled an act for the appointment of certain officers therein named, passed February 18, 1831.

S. No. 135; To amend the act entitled an act relating to wills, passed March 23, 1840, and for other purposes.

Said bills were referred to the committee on Judiciary.

S. No. 136; To incorporate the South Charleston and Washington Turnpike company.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 137; To authorize the Trustees of Perry township, in the county of Columbiana, to levy a tax to erect a town hall and market house, in said township,

Referred to the committee on the Judiciary.

S. No. 138; To authorize the sale of certain school lands therein named.

Referred to the standing committee on schools and school lands.

S. No. 139; To change the City Bank of Cincinnati, to a branch of the State Bank of Ohio.

Referred to the committee on the currency.

S. No. 140; To incorporate the Hamilton Lodge No. 17, of the Independent order of Odd Fellows.

Referred to the committee on Judiciary.

S. No. 141; To amend an act entitled an act to establish a free turnpike road from Bellfountain, Logan county, to the Indiana State line.

Ordered to be engrossed and read a third time to-morrow.

S. No. 144; To reduce the compensation of members of the General Assembly, after the same shall have been in session ninety days, with one amendment.

The question being on striking out "two dollars" and insert "four dollars."

Mr. Archbold moved the indefinite postponement of the bill.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted yeas 15, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Chase, Dubbs, Evans, Graham, Hendricks, Judy, Scott, Swift, Vinal, Whitman, Speaker—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Burns, Byers, Claypool, Conklin, Dimmock, Emrie, Goddard, Haines, Kendall, Lewis, Myers, Patterson and Worcester—17.

So the motion was lost.

The question being on striking out "two" dollars, Mr. Whitman demanded the yeas and nays, which were ordered and resulted yeas 18, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Hendricks, Kendall, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Goddard, Haines, Judy, Lewis, Myers, Vinal, Worcester, Speaker—14.

So the motion was carried.

The question being on inserting "four dollars," Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted yeas 1, nays 31, as follows:

Those who voted in the affirmative, were

Mr. Kendall—1.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Judy, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—31.

So the motion was lost.

Mr. Swift moved to insert three dollars.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted yeas 12, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Graham, Hendricks, Patterson, Scott, Swift, Whitman and Wilson—12.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Chase, Claypool, Conklin, Dubbs, Emrie, Evans, Goddard, Haines, Judy, Kendall, Lewis, Myers, Vinal, Worcester and Speaker—20.

So the motion was lost.

Mr. Whitman moved to lay the bill on the table.

Mr. Backus demanded the yeas and nays thereon, which were ordered and resulted yeas 22, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Beaver, Blocksom, Burns, Byers, Chase, Claypool, Dimmock, Dubbs, Emrie, Evans, Graham, Hendricks, Judy, Kendall, Lewis, Patterson, Scott, Swift, Whitman, Wilson and Speaker—22.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Bennett, Blake, Conklin, Goddard, Haines, Myers, Vinal and Worcester—10.

So the bill was laid on the table.

Also S. No. 154; To incorporate the New England Hotel, with one amendment, which was agreed to.

Referred to the standing committee on corporations.

Mr. Bennett, on leave, from the select committee to which was referred H. No. 161; To incorporate the Franklin and Germantown Turnpike Road company, reported the same back, and the bill was passed.

Ordered that the title be as aforesaid.

Mr. Chase, in accordance with previous notice, introduced the following bill:

S. No. 194; To amend the act entitled an act to incorporate the Millville, Reilly and Milton Turnpike company.

Said bill was read the first time.

On motion of Mr. Blake,

The Senate resolved itself into the committee of the whole, on the order of the day, Mr. Blake in the chair, and after some time spent therein, arose and reported back the following bills, some with and some without amendments:

S. No. 142; To authorize the city of Cincinnati to build a poor house, with amendments, which were agreed to.

Said bill was ordered to be engrossed and read a third time to-morrow.

S. No. 145; To amend the act to authorize Muskingum county, and the town of Zanesville, to subscribe to the capital stock of the Central Ohio Railroad.

The question being on the engrossment of the bill,

Mr. Archbold demanded the yeas and nays thereon, which were demanded and resulted yeas 29, nays 3, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Claypool, Conklin, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—29.

Those who voted in the negative, were

Messrs. Archbold, Byers and Chase—3.

So the motion was carried.

Said bills was ordered to be engrossed and read a third time to-morrow.

S. No. 151; To incorporate the Cleveland and Willoughby Plank Road company.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 153; Supplementary to the acts concerning divorce and alimony.

Said bill was indefinitely postponed.

H. No. 62; Supplementary to the act to prevent injury by dogs, passed December 24, 1844.

Referred to the standing committee on agriculture.

S. No. 152; To repeal an act entitled an act to regulate the sale of intoxicating liquors, in the town of Cuyahoga Falls.

Referred to the standing committee on the judiciary.

Mr. Backus, in accordance with previous notice, introduced the following bills:

S. No. 195; To amend the act to incorporate the Cleveland Gas Light and Coke company.

S. No. 196; To amend the act incorporating the Rockport Plank Road Company, entitled an act to incorporate the Chagrin Falls and Cleveland Plank Road company, and for other purposes.

On motion of Mr. Backus,

S. No. 113, was taken up.

Referred to a select committee of one—Mr. Backus.

Mr. Horton asked leave, owing to ill health, to be discharged from serving on the committee on claims. Agreed to.

Mr. Vinal was appointed chairman of the committee.

On motion of Mr. Hendricks,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

FRIDAY, FEBRUARY 16, 1849.

Prayer by Rev. Mr. Doolittle.

Mr. Byers presented the petition of J. D. Gailey and 48 other citizens of Wayne county, for the election of John Larwill as associate judge for said county.

Laid on the table.

Mr. Vinal presented the petition of B. Gillett and 16 other citizens of Springfield, Clark county, for authority to extend and improve Spring street, in said town.

Referred to a select committee of one—Mr. Vinal.

Mr. Archbold presented the petition of Uriah Tucker and 21 citizens of Meigs county, for the election of Charles W. Conway as associate judge for said county.

Laid on the table.

Mr. Blake presented the petition of sundry citizens of Medina, O., for an amendment to the act incorporating said town.

Referred to a select committee of one—Mr. Blake.

Mr. Dimmock presented the petition of sundry citizens of Knox county, for the repeal of the law authorizing a free turnpike road from Mt. Vernon to Delaware.

Referred to the committee on roads and highways.

Mr. Burns presented the petition of Geo. Rhinehart of Morrow county, for an extension of the time of payment for certain school lands.

Referred to the standing committee on schools and school lands.

Mr. Goddard presented the remonstrance of William Reynolds and 80 other citizens of Muskingum county, against the passage of any law which will transfer them to Guernsey county.

Also, the remonstrance of Josiah Hedges, against incorporating the town of New Fort Ball.

Said petitions were laid on the table.

Mr. Vinal, from the standing committee on Enrollment, made the following report:

The standing committee on Enrollment report, that they have examined Senate resolution relative to furnishing directors of Penitentiary with books.

Also, an act to provide for the sale of the Western Reserve school lands, and find the same correctly enrolled.

Mr. Archbold, from the committee on the Judiciary, to which was referred S. No. 134, to amend the act for the appointment of certain officers therein named, passed February 17, 1831, reported the same back and recommended its engrossment; which was agreed to.

Ordered that said bill be read a third time to-morrow.

Also, H. No. 79; To revive a certain act therein named, and the bill was

Referred to the committee on Roads and Highways.

Also, the petition of James Blair and 196 citizens of Shelby county, for the repeal of the license law.

Also, the petition of D. F. De Wolf and 91 citizens of Huron county, on the same subject.

Also, the petition of S. W. Baker and 88 citizens, on the same subject, reported the same back and asked to be discharged from the further consideration of the same.

Said petitions were referred to a select committee of one—Mr. Whitman.

Also, the memorial of J. M. Brown and others, citizens of Trumbull county, for a law preventing plank roads to take timber or stone unless satisfaction is rendered, and asked to be discharged from the further consideration thereof. Agreed to.

Mr. Burns, from the committee on Public Institutions, to which was referred the resolution relative to admitting Mrs. Isabella Johnston into the Lunatic Asylum, reported the same back with the following amendment:

Provided said superintendent shall take a bond for the payment of said sum of one dollar and fifty cents per week, in the same manner he is now required to take in all cases where the patient is required to pay the sum of three dollars per week.

Agreed to, and the resolution was agreed to as amended.

Mr. Goddard, from the committee on Public Works and Public Lands, made the following report and resolution:

The committee on Public Works and Public Lands, to which was referred the petition of J. O. Cram, praying the adjustment and payment of a claim due him from the State, now report:

It appears from the Senate Journal of the session of 1846-7, page 123, that Mr. Cram's petition was presented to the Senate and referred to the committee on Public Works and Public Lands.

At page 292 of the same journal, the committee reports and ask to be discharged, and that the petitioner have leave to withdraw his papers. The report was agreed to and the papers laid upon the table.

The reason for this report was that the Senate had, the day before, by a vote of 29 to 3, constituted the Board of Public Works a board for the adjustment of such claims. The resolution was subsequently amended in the House, and may be found in the local laws for that year, vol. 45, page 216.

The petitioner having leave to withdraw his papers, he caused a search to be made for them after the adjournment of the General Assembly, and they could not be found.

They have been found within a week past.

The resolution constituting the board of claims was rescinded at the last session, (Local Laws, vol. 46, p. 311,) with the proviso that claims already presented to them should be adjusted and settled.

The committee fully believes that Mr. Cram's case would have fallen within the proviso had not his papers been mislaid in the clerk's office of this body. The adoption of the following resolution is therefore recommended:

Resolved by the Senate and House of Representatives, That the Board of Public Works may examine and adjust the claim of J. O. Cram, in the same manner as if it had been presented to them before the passage of the resolution dated 24th Feb., 1848, rescinding a part of the resolution of Feb. 8, 1847.

On motion of Mr. Byers,

The report and resolution were referred to a select committee of one—Mr. Byers.

Mr. Whitman, from the committee on Schools and School Lands, to which was referred S. No. 138, to authorize the sale of certain school

land therein named, reported the same back and recommended its engrossment. Agreed to.

Mr. Myers, from the committee on Roads and Highways, to which was referred S. No. 126, to lay out and establish a free turnpike road from the McCutchensville road to the Maumee and Western Reserve Road, in Wood county, reported the same back and recommended its engrossment. Agreed to.

Also, H. No. 100, to lay out and establish a State road in the counties of Washington and Athens, reported the same back and recommended its being ordered to a third reading. Agreed to.

Mr. Blocksom, from the committee on Railroads and Turnpikes, to which was referred S. No. 151, to incorporate the Cleveland and Wilmoughby Plank Road Company, reported the same back and recommended its engrossment. Agreed to.

The same gentleman, from the same committee, to which was referred S. No. 136, to incorporate the South Charleston and Washington Turnpike Company, reported the same back with one amendment, which was agreed to.

The bill was ordered to be engrossed.

Also, S. No. 132, to incorporate the Conneaut and Youngstown Plank Road Company, reported the same back with sundry amendments, which were agreed to.

The bill was ordered to be engrossed.

Ordered that said bills be read a third time to-morrow.

Also, S. No. 147, to incorporate the Columbus and Blendon Turnpike Company, reported the same back with one amendment.

Said bill was recommitted to the same committee.

Mr. Swift, from the committee on Currency, to which was referred H. No. 94, to incorporate the Hocking county Savings Institute, at Logan, reported the same back with one amendment, which was agreed to.

Ordered that said bill be read a third time to-morrow.

Mr. Chase, from the select committee on the subject, to which was referred S. No. 71, to provide for the better preservation of the bonds of executors and administrators of the estates of deceased persons, reported the same back with two amendments, which were agreed to.

Ordered that said bill be engrossed and read a third time to-morrow.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

H. No. 45; Providing for bringing suits against certain incorporated companies.

H. No. 122; To authorize the courts of common pleas to remit fines in certain cases.

H. No. 123; To amend the act passed March 5, 1842, entitled an act to regulate the mode of collecting debts against turnpike companies in which the State is a stockholder, and to authorize the companies to appropriate their portion of the tolls for the completion of the roads, and the several acts amendatory thereto.

H. No. 147; To amend the act entitled an act prescribing the times of holding the court of common pleas in the fourteenth judicial circuit and for other purposes, passed Feb. 2, 1848.

H. No. 149; To repeal the act to lay out and establish the Mt. Vernon, Bennington and Delaware Free Turnpike Road.

H. No. 153; To incorporate Troy Lodge, No. 43, of the Independent Order of Odd Fellows.

H. No. 154; To repeal the act establishing a turnpike Gate in the town of Fulton, &c.

H. No. 156; For the relief of Nabby Wheeler.

H. No. 157; To extend the corporate limits of the city of Cincinnati.

H. No. 159; To incorporate the Maumee City Plank Road Company.

H. No. 166; To authorize the sale of a part of school section sixteen, in Smithfield township, Jefferson county.

S. No. 187; To repeal the Provision to the fifty-first section of the act for the punishment of crime.

S. No. 188; To authorize the town council of Newark to subscribe to the capital stock of the Newark Plank Road company.

S. No. 189; To legalize a change in the town plat of Winchester, in Fairfield county, and to confirm the conveyances made by Reuben Dove, proprietor of Dove's addition to said town of Winchester, of the north half of lots No. 17 and 18 to Jacob Bates and others.

S. No. 190; to extend Market street in the town of Springfield.

S. No. 191; Concerning negotiable instruments.

S. No. 192; To incorporate the Springfield Gaslight and Coke company.

S. No. 193; To amend an act entitled an act to amend an act directing the mode of proceeding in chancery, passed February 21, 1846.

S. No. 194; To amend the act entitled an act to incorporate the Millville, Reily and Milton Turnpike company.

S. No. 195; To amend the act to incorporate the Cleveland Gaslight and Coke company.

S. No. 196; to amend the act incorporating the Rockport Plank Road company, entitled an act to incorporate the Chagrin Falls and Cleveland Plank Road company, and for other purposes.

The following bills were read the third time and passed:

S. No. 16; To provide for the sale of section sixteen, in Carryall township, Paulding county.

S. No. 89; To incorporate the St. Marys and Wapakonnetta Plank Road company.

S. No. 121; To amend an act entitled an act to incorporate the Dayton, Lebanon and Deerfield Railroad company, passed February 4, 1847, and an act amendatory thereto, passed February 14, 1848.

S. No. 142; To authorize the city of Cincinnati to erect a Peer House.

H. No. 75; To incorporate the Sandusky City and Castalia Plank Road company.

H. No. 109; To provide for the sale of school section sixteen, in the township of Blanchard, county of Hardin.

Ordered that the titles be as aforesaid.

The following bills were read the third time:

H. No. 115; To authorize the sale of land belonging to Tymochtee township, Wyandotte county.

Referred to a select committee of one—Mr. Wilson.

H. No. 198; To revive and amend an act entitled an act to incorporate the Tiffin Savings Institute, passed March 8, 1834.

Referred to a select committee of one—Mr. Whitman.

The following bills were read the third time:

S. No. 58; To incorporate the Toledo and Woodville Plank Road company.

The question being, "shall the bill pass?"

Mr. Chase demanded the yeas and nays, which were ordered and resulted—yeas 29, nays 3, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Conklin, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—29.

Those who voted in the negative, were

Messrs. Archbold, Chase, and Claypool—3.

So the bill was passed.

Ordered that the title be as aforesaid.

S. No. 141; To amend an act entitled an act to establish a free turnpike road from Bellefontaine, Logan county, to the Indiana state line.

Referred to Mr. Judy as a select committee of one.

S. No. 145; To amend the act to authorize Muskingum county and the town of Zanesville to subscribe to the capital stock of the Central Ohio Railroad.

Referred to Mr. Goddard as a select committee of one.

H. No. 95; To authorize the sale of school lands belonging to Union township, (fractional) Champaign county.

Referred to Messrs. Conklin and Judy as a select committee of two.

H. No. 160; To amend an act entitled an act to encourage Teachers' Institutes, passed February 8, 1847.

Referred to Mr. Worcester as a select committee of one.

Mr. Goddard, from the select committee to which was referred Senate bill No. 145, reported the same back with the following amendment:

Add to section three the following: "And in no case shall any subscription be made, unless sanctioned by a vote of the people, taken in the manner prescribed by the act to which this is amendatory."

The question being on the adoption of the amendment,

Mr. Archbold moved to amend the amendment by adding the following:

That no tax shall be levied on any person whatsoever except those who shall have voted in favor of its imposition.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 10, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Burns, Byers, Chase, Dimmock, Dubbe, Graham, Haines and Wilson—10.

Those who voted in the negative, were

Messrs. Backus, Blake, Blocksom, Bennett, Claypool, Conklin, Emrie, Goddard, Hendricks, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman and Speaker—19.

So the motion was lost.

The question then recurred on agreeing to the amendment of Mr. Goddard, and the same was engrossed.

Said bill passed.

Ordered that the title be as aforesaid.

Mr. Byers, on leave, from the select committee to which was referred Senate joint resolution relative to the claim of J. O. Gram, and report of the committee of Public Works and Public Lands, reported the same back with an amendment.

Which was agreed to.

Also, the following, as an additional resolution, which was agreed to:

Resolved further, That should the Board allow either of said claims no money shall be paid thereon, unless in pursuance of an appropriation made by law.

Said report and resolutions, as amended, were adopted.

On motion of Mr. Bennett,

The Senate took a recess.

THREE O'CLOCK, P. M.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and resolutions, to which the signature of the Speaker of the Senate is requested:

To fix permanently the times of holding the courts of common pleas in the second judicial circuit.

To fix the time of holding the court of common pleas in the tenth judicial circuit.

To incorporate the Norwalk plank road company.

To incorporate the Hamilton, Roseville, Millville and Scipio turnpike road company.

To organize school district No. 7, Liberty township, Clinton county.
 To incorporate the Springfield and Columbus railroad company.
 For the relief of John Divine, James M. Snyder and William Sharp.
 Fixing the time of holding the court of common pleas in the seventh judicial circuit.

To amend an act entitled an act for the support and better regulation of common schools in the city of Columbus, passed February 3, 1845.

Senate joint resolution relative to inviting General Taylor to visit Columbus.

Senate joint resolution relative to school lands.

Senate joint resolution relative to retaining Mrs. Lois Beach in the Lunatic Asylum.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 148; To incorporate the Columbus, Piqua and Indiana railroad company.

H. No. 150; To impose an additional tax for the improvement of the Maumee and Angola road.

H. No. 187; For the relief of Amelius Heyden and William M. Folger.

H. No. 217; To authorize the sale of section sixteen in Madison township, Williams county.

The House has also passed the following Senate bills:

S. No. 21; To authorize the trustees of Springfield township, to subscribe money for the erection of a town hall.

S. No. 83; To authorize trustees of townships in Brown county to levy an additional road tax.

S. No. 84; To lay out and establish a free turnpike road from Newton in Union county, to Delaware in Delaware county, with an amendment.

Attest:

STANLEY MATTHEWS, Clerk.

Said House amendment to S. No. 84, was agreed to.

House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 272; To amend the act entitled an act to incorporate the Portage county mutual fire insurance company, passed February 11, 1832.

H. No. 273; To repeal an act entitled an act to abolish public executions, passed March 12, 1844.

H. No. 274; To incorporate the Elizabethtown and Clevestown turnpike company.

H. No. 275; To extend the corporate limits of the town of Mt. Gilead, in the county of Morrow.

H. No. 276; To authorize the trustees of Clay township, Knox county, to re-district said township for school purposes.

H. No. 277; To exempt persons from paying toll for traveling on the National Road in certain cases.

H. No. 278; To expedite proceedings in chancery.

H. No. 279; To repeal parts of certain acts therein named:

H. No. 280; To incorporate the Pickaway county savings institute at Circleville.

H. No. 281; To incorporate the town of Canfield, in the county of Mahoning.

H. No. 282; To create a special road district in Crawford county.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Vinal, agreeable to previous notice, introduced the following bill:

S. No. 197; To authorize the sale of school lands belonging to Madison township, (fractional,) Clark county.

Mr. Dimmock, pursuant to previous notice, introduced the following bill:

S. No. 198; To amend the act entitled an act to incorporate the Bellefontaine and Indiana railroad company.

Said bills were read the first time.

Mr. Hendricks gave notice that on tomorrow, or some subsequent day of the present session, he would ask leave to introduce a bill to authorize the construction of a free turnpike road from New Paris to New Westerville, in Preble county.

Mr. Wilson on leave, from the committee on the militia, introduced the following bill:

S. No. 199; To amend the militia laws of the State of Ohio.

Mr. Worcester on leave, from the select committee to which was referred H. No. 160, to amend an act entitled an act to encourage teacher's institutes, passed February 8, 1847, reported the same back with one amendment, which was agreed to.

The bill was then passed.

Mr. Conklin on leave, from the select committee to which was referred S. No. 108, fixing the time of performing labor on roads and highways, reported the same back with an amendment, which was agreed to.

The bill was then passed.

Ordered that the titles be as aforesaid.

Mr. Blake, pursuant to previous notice, introduced the following bill:

S. No. 200; To extend the corporate limits of the town of Medina, in the county of Medina.

Said bill was read the first time.

Mr. Dubbs gave notice that on tomorrow, or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act entitled an act regulating judgments and executions, so far as relates to the county of Hamilton.

Mr. Chase offered for adoption the following resolution:

Resolved, That the committee on finance be instructed to inquire into the expediency of reporting a bill taxing joint stock companies, including stage companies, for the same purposes and in the same manner that other property is or may be taxed in this state. Also, that they provide in said bill for taxing all state bonds or state stocks, held in this state, except those which the faith of the state is pledged not to tax, in like manner and for like purposes.

Mr. Archbold moved to amend the resolution by striking out, "inquire into the expediency of," and insert "report a bill."

Mr. Goddard moved a call of the Senate, which was ordered, and Messrs. Corwin, Dennison and Ewing, were absent.

Messrs. Dennison and Ewing were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on agreeing to the amendment,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was lost.

The question then recurring on the adoption of the resolution; was agreed to.

Mr. Whitman offered for adoption the following resolution:

Resolved, That the Attorney General be directed forthwith to institute proceedings in quo warrahto against the Canal Bank of Cleveland, and to prosecute the same to judgment of forfeiture.

Laid on the table.

On motion of Mr. Archbold,

The Senate resolved itself into the committee of the whole on the order of the day, Mr. Beaver in the chair, and after some time spent therein, rose and reported back the following bills, some with and some without amendment:

S. 146: To incorporate the town of New Fert Ball, in Clinton township, Seneca county.

Referred to the committee on corporations.

S. 149: To prevent the further immigration of black and mulatto persons into this State, with amendments.

Referred to the committee on the judiciary.

S. 150: To repeal the act entitled an act to provide for the extinguishment of the public debt of Ohio.

Referred to the committee on finance.

S. 155: To incorporate the Liberty township turnpike company, with amendments, which were agreed to.

S. 157: To incorporate the Columbus, Chillicothe & Portsmouth railroad company.

Said bills were referred to the committee on railroads and turnpikes.

S. 167: For the extension of the Western Reserve and Maumee road, with amendment.

Referred to the committee on public works.

S. 170: To extend the corporate limits of the town of Portsmouth.

Ordered to be engrossed and read a third time to-morrow.

Mr. Hendricks gave notice that he would on to-morrow, or some subsequent day of the present session, ask leave to introduce a bill more effectually to prevent the sale of lottery tickets in this State.

And also, a bill to provide penalties against railroad companies for demanding or receiving a greater compensation for carrying freight or passengers, than is allowed by the provisions of their charter.

Mr. Burns gave notice that he would on to-morrow, or some subsequent day of the present session, ask leave to introduce a bill for the relief of George W. Uric, of Ashland county.

Mr. Backus, on leave, from the select committee to which was referred Senate joint resolution relative to publishing an act of Assembly of the State of Pennsylvania, reported the same back and recommended its adoption, which was agreed to.

The same gentleman, from the same committee, introduced the following resolutions, which were agreed to.

Resolved, by the General Assembly of the State of Ohio, That we recognise, as among the most important provisions of the Federal Constitution, those which prohibit all restriction upon the freedom of commerce between the several States; and are satisfied that to these provisions may justly be attributed much of that advance in population, in wealth, in happiness, and in all the elements of prosperity which has rendered the United States without a parallel in the history of nations.

Resolved, That the liberal policy which has hitherto pervaded the legislation of the several States, with reference to internal improvements, designed to facilitate commercial intercourse between the several States, has borne ample testimony alike to the fidelity of those States, to the spirit as well as to the letter of our common constitution, and to the enlightened views of the respective State Legislatures.

Resolved, That this body has learned with regret, that the Legislature of the commonwealth of Pennsylvania, is at this time seriously contemplating a departure from that liberal policy, that has so characterized her own, and the action of her sister States on this subject, by the repeal of the charter of the Ohio & Erie Railroad Company.

Resolved, That we cannot but regard this as an attempt to force from its natural channel a large portion of the commerce of the north-western States, and to compel the same to seek the seaboard through the line of improvements constructed by the State of Pennsylvania,

from which can flow nothing but disappointment to herself, and injury to those States whose products she covets.

Resolved, That while the State of Ohio sincerely deprecates a system of countervailing, retaliatory enactments, in the legislation of any of the States of this Union, and while she most solemnly protests against a course of conduct on the part of her sister State, that will render the adoption of measures so odious, necessary for her own preservation, she deems it due to her own dignity, to the interests of her own citizens, and to the welfare of her sister States, to declare that if it shall be found to be the settled determination of the commonwealth of Pennsylvania, that the great line of railroad communication between the seaboard and the West, along the southern shore of the lakes, shall be interrupted and broken by her refusal of the right of way for the same through her territory, bordering upon the shore of Lake Erie, then will a resort to measures of retaliation become the imperative duty of this State, from the performance of which at the proper time she will by no means shrink.

The same gentleman, on leave, from the same committee, to which was referred S. 113: Authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland & Pittsburgh Railroad Company, and to amend the charter to the same, reported the same back and recommended its passage.

The bill was then passed.

Ordered that the title be as aforesaid.

On motion of Mr. Scott,

Resolved, That the Governor be requested to furnish this Senate, as early as convenient, all information in his possession in regard to the situation of certain lands lying between junction of the Miami, and Wabash & Erie Canals, and Defiance, together with the reason for withholding from sale said lands, by the United States and the State of Ohio.

On motion,

The Senate resolved itself into committee of the whole, Mr. Whitman in the chair, and after some time spent therein, arose and reported back the following bills, some with and some without amendment:

H. No. 89; To provide for the protection of sheep, and to impose a tax on dogs, in the counties of Belmont, Harrison, Jefferson, Champaign, Delaware, Erie, Marion, Licking, Hardin, Clark, Trumbull, Guernsey and Morrow.

Referred to a select committee of one—Mr. Ankeny.

H. No. 76; To incorporate the Lake Erie and Milan Plank Road company, with one amendment. Agreed to.

Referred to the committee on Railroads and Turnpikes.

H. No. 101; To compel mortgagees and others to enter satisfaction of mortgages within three months after payment of mortgage money or satisfaction of the condition of such mortgage.

Referred to the committee on the Judiciary.

H. No. 117; To amend the act to incorporate the Great Western Railroad company.

Referred to a select committee of one—Mr. Scott.

H. No. 121; To incorporate the Little Miami Bridge company, with one amendment.

Referred to the committee on Corporations.

H. No. 125; To amend an act entitled an act to incorporate the New Baltimore and New Haven Turnpike and Bridge company, passed February 8, 1847.

Referred to committee on Railroads and Turnpikes.

H. No. 133; To amend the act entitled an act to institute proceedings against corporations not possessing banking powers and the visitatorial power of courts, and regulating corporations generally.

Referred to a select committee of one—Mr. Goddard.

H. No. 134; To amend the act entitled an act for the improvement and repair of the Cincinnati and Carthage road, and for other purposes, passed February 4, 1848.

H. No. 138; To incorporate the Lewisburgh and Liberty Corner Turnpike Road company.

Said bills were referred to the committee on Railroads and Turnpikes.

H. No. 140; To extend the time of payment of school section 16, in Springfield township, Lucas county.

Referred to committee on Schools and School Lands.

H. No. 162; To incorporate the Mount Washington College in Hamilton county, O.

Referred to standing committee on Colleges and Universities.

H. No. 186; To incorporate the London and Lafayette Turnpike company.

H. No. 200; To amend the act entitled an act to incorporate the Tiffin and Findlay Plank Road company, passed February 24, 1848.

H. No. 223; To lay out and establish the West Elkton free turnpike company.

Said bill was referred to the committee on Railroads and Turnpikes.

H. No. 45; Providing for bringing suits against certain incorporated companies.

H. No. 122; To authorize courts of common pleas to remit fines in certain cases:

Said bills were referred to the committee on the Judiciary.

H. No. 123; To amend the act passed March 5, 1842, entitled an act to regulate the mode of collecting debts against turnpike companies in which the State is a stockholder.

Referred to the committee on Railroads and Turnpikes.

The Speaker laid before the Senate a communication from the Secretary of State, in reply to a resolution of the Senate, of the 13th February, 1849.

On motion of Mr. Emrie,

Said report was referred to the standing committee on Printing.

On motion of Mr. Emrie,

Resolved, That that the Auditor of State be requested to inform this Senate what amount of State stock or bonds have been issued under laws which pledged the faith of the State not to tax them, and what amount have been issued under laws wherein no such pledge is contained, particularly noting in each case the acts authorizing the issue, and the amount issued under each act.

On motion of Mr. Whitman,

The Senate adjourned

Attest:

JOHN R. KNAPP, JR., Clerk.

SATURDAY, FEBRUARY 17, 1849.

Prayer by Rev. Mr. Doolittle.

Mr. Wilson presented the remonstrance of Luther A. Hall against the proposed limits of New Fort Ball, in Seneca county.

Also, the remonstrance of Geo. Knapp and Dr. Dresbach on the same subject.

Laid on the table.

Mr. Ankeny presented the petition of C. G. Woodbury and 27 citizens of Tuscarawas county, for a law preventing Judges pettifogging within the jurisdiction of the court of which he is a member.

Referred to the committee on the Judiciary.

Mr. Archbold presented the remonstrance of a citizen of Belmont county, against the dog tax.

Referred to the committee on Agriculture.

Mr. Backus presented the petition of Charles Hickox and 69 others of Cleveland, for the application of the surplus tolls of the Western Reserve and Maumee road, for the extension of the same to Cleveland.

Referred to the committee on Public Works.

Mr. Beaver presented the petition of citizens of Warren, Trumbull county, for a law enabling the town council to levy an additional tax for 1849 and 1850, to enable them to provide for further security against fire.

Referred to a select committee of one—Mr. Beaver.

Mr. Burnas presented the petition of 17 citizens of Richland county, for the election of James Comings to the office of Associate Judge.

Also, the petition of 17 citizens of the same county, for the election of David McCulloch to said office.

Laid on the table.

Mr. Goddard presented the petition of J. O. Starrett and 96 citizens of Muskingum county, for a law to prevent the traffic in ardent spirits.

Laid on the table.

Mr. Corwin presented the petition of sundry citizens, praying that the different medical students may be admitted to the privileges of the Hospital in Cincinnati.

Laid on the table.

Also, the remonstrance of numerous citizens of Warren and Hamilton counties, against the passage of House bill No. 134.

Referred to the committee on Railroads and Turnpikes.

Mr. Whitman presented the petition of James P. Ashbrook and other citizens of Fairfield county, for the extension of the law taxing dogs, to Fairfield county.

Laid on the table.

Mr. Backus presented two petitions of Whitelaw and Marshall and James H. Holley and 123 citizens of Cleveland, asking that the law authorizing subscription to Railroad companies may be levied on real estate alone.

Referred to a select committee of one—Mr. Backus.

Mr. Blake presented the petition of citizens of Medina county, for an alteration of the time of holding courts in the eleventh judicial circuit.

Referred to a select committee of one—Mr. Blake.

Mr. Goddard, from the committee on Public Works and Public Lands, to which was referred S. No. 167, to provide for the extension of the Western Reserve and Maumee road, reported the same back, with the following report:

[See Appendix, p. 302.]

And the following resolutions:

Resolved, That the committee on Public Works and Public Lands be discharged from the further consideration of Senate bill No. 167, and the petitions upon the same subject.

Resolved, That Senate bill No. 167, to provide for the extension of the Western Reserve and Maumee road, be postponed indefinitely.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 19, nays 13, as follows.

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Bennett, Blockson, Burns, Byers, Chase, Conklin, Corwin, Dubba, Emrie, Evans, Goddard, Graham, Horton, Kendall, Lewis, Vinal and Whitman—19.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Dimmock, Haines, Hendricks, Judy, Myers, Patterson, Wilson, Worcester and Speaker—13.

So the resolution was agreed to, and the bill was indefinitely postponed.

Mr. Blocksom, from the committee on Railroads and Turnpikes, to which was referred S. No. 116, to incorporate the Warren and Lake Erie Plank Road company, reported the same back, and recommended its engrossment. Agreed to.

Also, S. No. 130, to amend an act entitled an act to incorporate the Ripley and Hillsborough Turnpike company, passed February 19, 1833, reported the same back and recommended its engrossment.—Agreed to.

Also, S. No. 131; To amend the act entitled an act to incorporate the Milford and Chillicothe Turnpike Road Company, passed Feb. 11, 1832, reported the same back and recommended its engrossment. Agreed to.

Also, H. No. 125; To amend the act entitled an act to incorporate the New Baltimore and New Haven Turnpike and Bridge Company, passed Feb. 8, 1847, reported the same back with one amendment, which was agreed to.

Said bills were ordered to be read a third time on Monday.

Also, H. No. 197; To extend the Monroeville Plank Road Company to the town of Elyria, in Lorain county, reported the same back with one amendment.

Referred to a select committee of one—Mr. Worcester.

Mr. Byers, from the committee on the Library, made the following report:

The committee on the Library, to which was referred a resolution of the Senate instructing them to inquire into the expediency of a distribution of Swan's Collated Statutes among the several counties of this State, report,

That there are yet in possession of the State, undisposed of, eleven or twelve hundred of these statutes, a large proportion of which it is believed might be distributed to such counties as have not yet received a full supply, retaining at least three hundred copies, to be disposed of as may hereafter become necessary. The committee therefore recommend the adoption of the following resolutions:

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State is hereby authorized and required to furnish a sufficient number of Swan's Collated Statutes to any of the counties of this State which it may appear from the official certificate of the clerk of the court of common pleas has not heretofore been properly supplied, but in no event to reduce the number in possession of the State below three hundred copies.

Resolved, That the Secretary of State be and he is hereby authorized and requested to furnish the auditor of Morrow county with forty copies of Swan's Collated Statutes, and twenty copies of Swan's Index, for the use of the county and township officers in said county. Also, a sufficient number of copies of the laws of a general and local character since the year 1841; if on hand and to be spared, for said

county. Also, fifty copies of the bound school law for the use of said county of Morrow. Also, that he forward to the county of Auglaize, with the laws and journals, thirty-five copies of Swan's Collated Statutes; also, twenty copies of Swan's Index, with such number of laws of a general and local nature, passed since 1841, as in his judgment are sufficient for the use of said county.

Said resolutions were agreed to.

Mr. Corwin, from the committee on Corporations, to which was referred S. No. 42, to repeal the act entitled an act to authorize the town of Hamilton to borrow money, and for other purposes, reported the same back and recommended its engrossment. Agreed to:

Ordered that said bill be read a third time on Monday.

Mr. Backus, from the select committee on the subject, introduced the following bill:

S. No. 201; To authorize the establishment of a poor-house by the city of Cleveland.

Mr. Beaver, from the select committee on the subject, introduced the following bill:

S. No. 202; To authorize the town council of the town of Warren, Trumbull county, to assess and collect an additional tax for fire purposes.

Mr. Corwin, from the select committee on the subject, introduced the following bill:

S. No. 203; To amend the act to extend the corporate limits of the town of Xenia, in Green county.

Mr. Blake, from the select committee on the subject, introduced the following bill:

S. No. 204; To amend the act entitled an act fixing the times of holding the court of common pleas in the eleventh judicial circuit, passed Feb. 7, 1848.

Said bills were read the first time.

Mr. Myers, on leave, from the committee on Roads and Highways, to which was referred H. No. 79, to revive a certain act therein named, reported the same back.

Referred to a select committee of one—Mr. Bennett.

Also, from the same committee, introduced a following bill:

S. No. 205; To incorporate the Waterville and Lafayette Free Turnpike Road, in the counties of Lucas, Henry and Williams.

Said bill was read the first time.

Mr. Blocksom, on leave, from the committee on Railroads and Turnpikes, to which was referred H. No. 200, to amend the act entitled an act to incorporate the Tiffin and Findley Plank Road Company, passed Feb. 24, 1848, reported the same back with one amendment, which was agreed to.

Ordered that said bill be read a third time on Monday next.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 197; To authorize the sale of school lands belonging to Madison township (fractional,) Clark county.

S. No. 198; To amend the act entitled an act to incorporate the Bellefontaine and Indiana Railroad Company.

S. No. 199; To amend the militia laws of the State of Ohio.

S. No. 200; To extend the corporate limits of the town of Medina, in the county of Medina.

H. No. 148; To incorporate the Columbus, Piqua and Indiana Railroad Company.

H. No. 150; To impose an additional tax for the improvement of the Maumee and Angola Road.

H. No. 187; For the relief of Amelius Heyden and William M. Folger.

H. No. 217; To authorize the sale of section sixteen, in Madison township, Williams county.

The following bills were read a third time and passed:

S. No. 126; To lay out and establish a free turnpike road from the McCutchenville road to the Maumee and Western Reserve road in Wood county.

S. No. 132; To incorporate the Conneaut and Youngstown Plank Road Company.

S. No. 134; To amend the act for the appointment of certain officers therein named, passed Feb. 17, 1831.

S. No. 136; To incorporate the South Charleston and Washington Turnpike Company.

S. No. 138; To authorize the sale of certain school lands therein named.

S. No. 151; To incorporate the Cleveland and Willoughby Plank Road Company.

S. No. 170; To extend the corporate limits of the town of Portsmouth.

H. No. 100; To lay out and establish a State Road in the counties of Washington and Athens.

Ordered that the titles be as aforesaid.

The following bills were read a third time:

S. No. 71; To provide for the better preservation of the bonds of executors and administrators of the estates of deceased persons.

The question being on agreeing to the title,

Mr. Bennet moved to amend as follows:

To amend the act to authorize and require the recording of the official bonds of certain public officers. Agreed to.

The title as amended was agreed to and the bill passed.

H. No. 94; To incorporate the Hocking county Savings Institute, at Logan.

The question being "shall the bill pass?"

Mr. Claypool moved to recommit the bill to a select committee of one, with instructions to strike out sec. 12, as follows:

Sec. 12. The stockholders and directors of said corporation shall be held and bound individually for any and all debts incurred by said

corporation, whether by way of indebtedness for deposits or otherwise.

Mr. Dimmock asked for a division of the question.

The question being on recommitting,

Mr. Wilson demanded the yeas and nays thereon, which were ordered and resulted—yeas 12, nays 20, as follows :

Those who voted in the affirmative were

Messrs. Backus, Beaver, Blake, Claypool, Corwin, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—12.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Bennett, Blocksom, Burns, Byers, Chase, Conklin, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Myers, Patterson, Swift, Whitman and Wilson—20.

So the Senate refused to recommit.

The question recurred on the passage of the bill.

Mr. Claypool demanded the yeas and nays thereon, which were ordered and resulted—yeas 23, nays 9, as follows :

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Chase, Conklin, Corwin, Dimmock, Dubbs, Emrie, Evans, Graham, Haines, Hendricks, Myers, Patterson, Swift, Whitman, Wilson and Worcester—23.

Those who voted in the negative were

Messrs. Backus, Claypool, Goddard, Haines, Horton, Judy, Kendall, Lewis and Vinal—9.

So the bill was passed.

Ordered that the titles be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills :

H. No. 80; To incorporate the town of Wapaukonnetta, in the county of Auglaize.

H. No. 126; To amend the act entitled an act directing the mode of trial in criminal cases, passed March 7, 1831.

H. No. 132; To authorize county commissioners to allow guard fees in certain cases.

H. No. 184; In relation to the Urbana, Troy and Greenville Turnpike Road Company.

H. No. 252; To confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of the General Assembly of Kentucky, passed Feb. 7, 1846, with certain limitations.

H. No. 236; To incorporate the Locust Grove and Ripley Turnpike Company.

The House has also passed the following Senate bill :

S. No. 11; To incorporate the Springfield Female Seminary in the county of Clark.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills :

H. No. 118; Further to amend an act entitled an act to establish a commercial hospital and lunatic asylum for the State of Ohio, passed January 22, 1821.

H. No. 221; To incorporate the German Evangelical Lutheran and German Reformed United Protestant Congregation of Seneca township, Seneca county, Ohio.

Attest:

STANLEY MATTHEWS, Clerk.

Said bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time.

H. No. 283; To revive an act to amend the act entitled an act regulating judgments and executions, passed March 4, 1842, and further to amend the act entitled an act defining the powers and duties of justices of the peace and constables in civil cases, passed January 19, 1843.

H. No. 284; To amend an act entitled an act to establish a graded state road in the counties of Gallia, Meigs and Athens.

H. No. 285; To amend an act entitled an act to lay out and establish a graded state road in the counties of Gallia and Jackson.

H. No. 286; To authorize Ashabel Chittenden to surrender the lease for and become the purchaser of the east half of the southwest quarter of school section sixteen in Scipio township, Seneca county Ohio.

H. No. 287; To extend the time for the payment of the purchase money of section sixteen, township No. 3, U. S. R., Lucas county.

H. No. 288; To lay out and establish a free turnpike road from Defiance in Defiance county to the Indiana state line, at the point where the Fort Wayne road now crosses said state line, in the county of Paulding, in the state of Ohio.

H. No. 289; To amend the act entitled an act to incorporate the Urbana and Columbus railroad company.

H. No. 290; To incorporate the Green and Millcreek township turnpike company.

H. No. 292; To amend the act entitled an act to regulate public shows, passed February 28, 1831.

H. No. 293; To authorize the sale of certain forfeited lands in Wyandott county.

H. No. 294; To incorporate the St. John's church of Evangelical Protestants of Beaver township, in the county of Pike.

H. No. 296; To amend an act entitled an act to amend an act entitled an act to regulate judgments and executions at law, passed March 9, 1841.

H. No. 295; To incorporate the Roman Catholic St. Peter's association of the Germans of Cincinnati.

H. No. 291; Concerning the admission of Attorneys and counselors at law, and Solicitors in chancery.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Swift offered for adoption the following:

Resolved by the Senate and House of Representatives, That both branches of the General Assembly will meet in the hall of the House of Representatives at three o'clock P. M., on Monday the 19th inst., and then and there proceed to elect one United States Senator, two judges of the supreme court, one president judge of the 14th judicial circuit, and one president judge of the 9th judicial circuit, and one associate judge for the county of Muskingum.

Mr. Backus moved to lay the resolution on the table.

Mr. Kendall demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Swift, Whitman and Wilson—16.

So the motion was lost.

The question being on the adoption of the resolution,

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

So the motion was lost.

Mr. Bennett moved to reconsider the vote on the passage of S. No. 153; Supplementary to the act concerning divorce and alimony.

The motion was laid on the table.

Mr. Hendricks, pursuant to previous notice, introduced the following bills:

S. No. 206; To establish a free turnpike road from New Paris to New Westville, in Preble county.

S. No. 207; To prevent railroad companies from charging a greater compensation for freight or passage than is allowed by law.

On motion of Mr. Wilson,

The rules were suspended and he obtained leave to introduce the following bill:

S. No. 208; To amend an act entitled an act to fix permanently the times of holding the courts of common pleas in the second judicial circuit, passed February, 1849.

Mr. Dubbs, in accordance with previous notice, introduced the following bill:

S. No. 209; To amend an act entitled an act regulating judgments and executions, passed March 1, 1831.

Said bills were read the first time.

On motion of Mr. Emrie,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

MONDAY, FEBRUARY 19, 1849.

Mr. Byers presented the petition of John Scott, Jr., and 35 other citizens of Haysville, Ashland county, for the incorporation of said town.

Referred to a select committee of one—Mr. Byers.

Mr. Worcester presented the petition of Joseph M. Farr and 88 citizens, for the appointment of Albert G. Sutton agent for the sale of the Western Reserve lands.

Referred to the select committee on school lands.

Mr. Burns presented the petition of 28 citizens of Richland county for the election of John H. Culbertson for the office of associate judge.

Laid on the table.

Mr. Bennett presented the memorial of the trustees of Cincinnati township, in relation to the commercial hospital.

Referred to the committee on medical colleges and societies.

Mr. Archbold presented sundry petitions from 100 citizens of Belmont county for the election of John Campbell as associate judge for said county.

Laid on the table.

Mr. Conklin presented the petition of William Clingenpeel and 78 others of Dark and Miami counties in relation to the Troy and Greenville turnpike road.

Referred to the standing committee on Railroad and Turnpikes.

Mr. Backus presented the petition of G. D. Kelly and 11 others, for a charter to construct a plank road from Cleveland to Twinsburg.

Mr. Blake presented the petition of N. B. Gates and 22 other citizens of Lorain county, for the extension of the Western Reserve and Maumee Road.

Said petitions were laid on the table.

Mr. Archbold, from the committee on the Judiciary to which was referred S. No. 56, to give additional security to land titles in this state, reported the same back with sundry amendments, which were agreed to, and made the following report:

(See Appendix p. 285.)

Mr. Goddard moved to amend the bill as follows:

"But shall not affect any rights accrued prior to that day;" which was agreed to.

Said bill was ordered to be engrossed.

Mr. Blockson, from the committee on Railroads and Turnpikes to which was referred S. No. 133, to incorporate the Springfield and Northampton Turnpike Company, reported the same back with one amendment, which was agreed to.

Also, S. No. 159; To authorize the trustees of Marion and Jefferson townships, in the county of Clinton, to borrow money and for other purposes, reported the same back.

Also, S. No. 155; To incorporate the Liberty township Turnpike Company, reported the same back with one amendment, which was agreed to.

Also, S. No. 147; To incorporate the Columbus and Blendon Turnpike Company, reported the same back with one amendment, which was agreed to.

Said bills were severally ordered to be engrossed and read a third time to-morrow.

Mr. Worcester, from the committee on the Judiciary to which was referred Senate resolution relative to proceedings in chancery, introduced the following bill:

S. No. 210; To amend an act, passed February 2, 1848, entitled "an act directing the mode of proceeding in chancery," passed March 14, 1841.

Said bill was read the first time.

Mr. Corwin, from the committee on Corporations to which was referred S. No. 99; To incorporate the Zanesville Gaslight Company, reported the same back with sundry amendments, which were agreed to.

Also, S. No. 105; To incorporate the Marion Hall building Company of Mt. Healthy, Hamilton county, Ohio, reported the same back without amendments.

Also, S. No. 123; To incorporate the trustees of the Pomeroy acad-

emy, reported the same back with one amendment, which was agreed to.

Also, S. No. 125; To amend an act entitled "an act to incorporate the town of Sidney," passed March 1, 1834, reported the same back without amendments.

Said bills were severally ordered to be engrossed and read a third time to-morrow.

Also, H. No. 58; To amend "an act to incorporate the town of Franklin, in the county of Warren, and to repeal all laws heretofore enacted on that subject," passed Feb. 8, 1848, reported the same back.

Also, H. No. 103; To incorporate the Northern Fire Company of Cincinnati, reported the same back.

Said bills were ordered to be read a third time to-morrow.

Mr. Wilson, from the select committee to which was referred H. No. 115; To authorize the sale of school land belonging to Tymochtee township, Wyandott county, reported the same back.

Said bill was then passed.

Ordered, that the title be as aforesaid.

Also, S. No. 76; To incorporate the Lower Sandusky, Tiffin and Fort Ball Plank Road Company, reported the same back with sundry amendments, which were agreed to.

Referred to a select committee of one—Mr. Beaver.

Mr. Worcester, from the select committee to which was referred H. No. 107; To extend the Monroeville Plank Road Company to the town of Elyria, in Lorain county, reported the same back with one amendment, which was agreed to.

Mr. Wilson, from the select committee to which was referred H. No. 32; To incorporate the Lower Sandusky Plank Road Company, reported the same back with sundry amendments, which were agreed to.

Mr. Beaver, from the select committee to which was referred S. No. 76; To incorporate the Lower Sandusky, Tiffin and Fort Ball Plank Road Company, reported the same back and recommended its engrossment.

Said bills were ordered to be read a third time tomorrow.

Mr. Dubbs, from the select committee to which was referred H. No. 74; Authorizing the city council of Cincinnati to borrow such sums of money as may be required for the improvement of the city water works, reported the same back and recommended its indefinite postponement. Agreed to.

Said bill was indefinitely postponed.

On motion of Mr. Goddard,

The rules were suspended, and H. No. 248; To authorize the commissioners of Marion county to subscribe stock in railroad companies was read the second time and committed to the committee of the whole Senate.

The following bills were read the second time, committed to the committee of the whole Senate and made the order of the day for this day:

S. No. 201; To authorize the establishment of a poor house by the city of Cleveland.

S. No. 202; To authorize the town council of the town of Warren, Trumbull county, to assess and collect an additional tax for fire purposes.

S. No. 203; To amend the act to extend the corporate limits of the town of Xenia, in Green county.

S. No. 204: To amend the act entitled "an act fixing the times of holding the courts of Common Pleas in the 11th judicial circuit," passed February 7, 1848.

S. No. 205; To incorporate the Waterville and Lafayette free turnpike road in the counties of Lucas, Henry and Williams.

H. No. 80; To incorporate the town of Wapakonnetta in the county of Auglaize.

H. No. 126; To amend the act entitled "an act directing the mode of trial in criminal cases," passed March 7, 1831.

H. No. 132; To authorize county commissioners to allow guard fees in certain cases.

H. No. 184; In relation to the Urbana, Troy and Greenville Turnpike Road Company.

H. No. 252; To confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of the General Assembly of Kentucky, passed February 7, 1846, with certain limitations.

H. No. 236; To incorporate the Locust Grove and Ripley Turnpike Company.

H. No. 118; Further to amend an act entitled "an act to establish a Commercial Hospital and Lunatic Asylum for the state of Ohio," passed January 22, 1821.

H. No. 221; To incorporate the German Evangelical Lutheran and German Reformed United Protestant Congregation of Seneca township, Seneca county, Ohio.

S. No. 206; To establish a free turnpike road from New Paris to New Westerville, in Preble county.

S. No. 207; To prevent railroad companies from charging a greater compensation for freight or passage than is allowed by law.

S. No. 208; To amend an act entitled "an act to fix permanently the times of holding the courts of Common Pleas in the 2d judicial circuit, passed February, 1849.

S. No. 209; To amend an act entitled "an act regulating judgments and executions," passed March 1, 1831.

On motion of Mr. Bennett,

H. No. 118 was referred to the committee on Medical Colleges and Societies.

On motion of Mr. Dubbs,

H. No. 252 was referred to a select committee of two—Messrs. Dubbs and Ewing.

The following bills were read a third time and passed:

S. No. 42; To repeal the act entitled "an act to authorize the town of Hamilton to borrow money, and for other purposes."

S. No. 116; To incorporate the Warren and Lake Erie Plank Road Company.

Ordered, that the titles be as aforesaid.

The following bills were read a third time:

S. No. 130; To amend the act entitled "an act to incorporate the Ripley and Hillsborough Turnpike Company," passed February 19, 1833.

The question being, "Shall the bill pass?"

Mr. Archbold moved to amend by way of rider, as follows:

"But no tax shall be levied on any person except such as vote for the tax;" which was lost.

The bill was then passed.

S. No. 131; To amend the act entitled "an act to incorporate the Milford and Chillicothe Turnpike Company," passed Feb. 11, 1832.

The question being, "Shall the bill pass?"

Mr. Whitman moved to recommit the bill to the standing committee on Public Works and Public Lands.

Mr. Emrie demanded the yeas and nays thereon, which were ordered and resulted yeas 4, nays 25, as follows:

Those who voted in the affirmative, were

Messrs. Byers, Dimmock, Dubbs and Whitman—4.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Claypool, Conklin, Corwin, Emrie, Evans, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Myers, Patterson, Vinal, Wilson and Worcester—25.

The question being on the passage of the bill:

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted yeas 25, nays 5, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Blocksom, Burns, Claypool, Conklin, Corwin, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Myers, Patterson, Swift, Vinal, Wilson and Worcester—25.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Byers, Dimmock and Whitman—5.

So the bill was passed.

The question being on agreeing to the title,

Mr. Archbold moved to amend the title as follows:

A bill to resign this State's interest in all turnpike companies to which it has heretofore subscribed stock; which was lost.

The title was agreed to.

The following bills were read a third time and passed:

H. No. 125; To amend the act entitled an act to incorporate the New Baltimore and New Haven Turnpike and Bridge Company, passed February 8, 1847.

H. No. 200; To amend the act entitled an act to incorporate the Tiffin and Findley Plank Road Company, passed February 24, 1846.

Ordered, that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 169; To authorize the Governor, on behalf of the state of Ohio, to make a conveyance of certain lands in Summit county, belonging to said state.

The House has agreed to Senate joint resolution relative to publishing an act of the assembly of the commonwealth of Pennsylvania, &c.

The House has also agreed to Senate joint resolutions relative to the railroad legislation of the state of Pennsylvania, with an amendment in which the concurrence of the Senate is requested.

The House has concurred in Senate amendment to H. No. 160; To amend an act entitled "an act to encourage Teacher's Institutes," passed February 8, 1847.

The House has also agreed to Senate resolution relative to admitting Mrs. Isabella Johnston into the Lunatic Asylum.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 248; To authorize the commissioners of Marion county to subscribe stock in railroad companies.

The House has also agreed to the following Senate joint resolutions:

Resolution relative to furnishing Swan's Collated Statutes to the several counties in this state not already furnished.

Resolution relative to furnishing statutes and laws to Morrow and Auglaize counties.

Attest:

STANLEY MATTHEWS, Clerk.

Said bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time:

H. No. 297; To equalize taxation.

H. No. 298; To amend the act to encourage the organization of fire companies, passed February 8, 1847.

H. No. 299; To secure an early distribution and publication of the laws of a general nature.

H. No. 300; To provide for the payment of money to the county of Morrow by the township of Mt. Gilead.

H. No. 301; To repeal certain acts therein named.

H. No. 302; To establish the time for holding the Courts of Common Pleas in the eighteenth judicial circuit.

H. No. 303; To erect the new county of Orange.

H. No. 304; To incorporate the Cleveland and Twinsburg Plank Road company.

H. No. 305; To lay out and establish a state road in the counties of Athens, Jackson and Gallia.

H. No. 306; For the relief of H. H. and J. B. Arkenburgh.

H. No. 307; To attach sections one and two in Bloomfield township, Richland county, to Sandusky township, in said county.

H. No. 308; To incorporate the Geauga and Trumbull Plank Road company.

H. No. 309; To amend the third section of an act passed February 24, 1848, entitled an act to incorporate the Great Western Railroad company.

H. No. 310; To incorporate the Martinsville and Bridgeport Free Turnpike Road company, in Belmont county.

H. No. 311; To authorize William McCullough to sell books and other articles of stationery, in any county of this state, at auction.

The House has also agreed to Senate amendment to H. No. 94, to incorporate the Hocking County Savings Institute, at Logan.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Whitman, on leave, presented the petition of the Rev. Saul Jacobs to divide property.

Referred to the standing committee on the Judiciary.

Mr. Goddard gave notice that he would to-morrow or some subsequent day of the session, ask leave to introduce a bill to incorporate the Zanesville Woolen Manufacturing company.

Mr. Whitman gave notice that on to-morrow or some subsequent day of the session, he would ask leave to introduce a bill to amend an act entitled an act further to amend an act levying taxes, &c., passed Feb. 22, 1848.

Also, a bill to tax banks as persons are taxed.

Also, a bill to protect sheep from dogs.

Mr. Archbold offered for adoption the following:

Resolved, That it is unwise, impolitic, and unjust to the taxpayers, to grant charters to railroad companies to construct lines of railroad along the lines of the state canals, so as to diminish the tolls, and thus cast the whole burthen of the public debt upon the taxpaying people.

Mr. Blake moved to amend the resolution as follows: "Without subjecting said railroad companies to taxation."

Mr. Myers moved to amend the amendment as follows:

Without subjecting said railroads to tolls sufficient to remunerate the state for any loss of tolls on account of the construction of said railroads.

On motion of Mr. Whitman,

The resolution and amendments were referred to the committees on Finance.

Mr. Ankeny, on leave, from the select committee to which was referred H. No. 89, to provide for the protection of sheep, and to impose a tax on dogs in the counties of Belmont, Harrison, Jefferson, Champaign, Delaware, Erie, Marion, Licking, Hardin, Clark, Trumbull, Guernsey and Morrow, reported the same back with sundry amendments.

Which were agreed to.

Mr. Worcester moved to amend the bill by striking out "Erie."

Agreed to.

Mr. Burns moved to amend by striking out "Morrow." Which was agreed to.

Mr. Archbold moved to recommit the bill to the committee on Agriculture.

Mr. Goddard moved that the Senate take a recess.

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted yeas 20, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Bennett, Blocksom, Byers, Conklin, Corwin, Dimmock, Dubbs, Evans, Goddard, Graham, Haines, Horton, Judy, Kendall, Patterson, Swift, Vinal, Whitman and Wilson—20.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Blake, Burns, Claypool, Emrie, Lewis, Myers and Worcester—10.

So the Senate took a recess.

THREE O'CLOCK, P. M.

The question being on referring H. No. 89, to the standing committee on Agriculture, was agreed to.

On motion of Mr. Backus,

The committee of the whole were discharged from the further consideration of Senate bill No. 180, to amend the act entitled an act to authorize the commissioners of Franklin county and the city council of the city of Columbus to subscribe to the capital stock of certain railroad companies, passed February 6, 1847.

Said bill was referred to a select committee of one—Mr. Backus.

The Speaker laid before the Senate the special report of the Auditor of State in answer to Senate resolution of May 4, 1849, in relation to the taxes of banks.

(See Vol. Pub. Doc.)

Laid on the table to be printed.

Mr. Emrie gave notice that on to-morrow or some subsequent day of

the present session he would ask leave to introduce a bill to amend the act incorporating the Hillsborough and Cincinnati Railroad company.

On motion of Mr. Archbold,

The report of the Judiciary committee made this morning, was taken up; and the report was ordered to be printed.

On motion of Mr. Wilson,

The committee of the whole were discharged from the further consideration of S. 208: and the bill was referred to a select committee of one—Mr. Wilson.

Mr. Goddard offered for adoption the following:

Resolved, That the various reports and other communications now on the table, and which are usually printed with the Appendix to the Journal, and in the volume of Public Documents, be taken up and ordered to be printed.

Mr. Emrie offered the following as an amendment:

Resolved, That five thousand copies of the annual report of the State Board of Agriculture, three thousand copies of the annual report of the Auditor of State, three thousand copies of the twenty-second annual report of the Superintendent and Directors of the Asylum for the Deaf and Dumb, three thousand copies of the twelfth annual report of the officers of the institution for the education of the blind, and three thousand copies of the tenth annual report of the officers of the Lunatic Asylum, be printed for the use of the members of the Senate; and five hundred additional copies of each of said reports be printed for the use of the officers making them. *Provided*, That if the House of Representatives shall order the printing of additional copies of the above enumerated reports, the composition upon the said reports of which the House shall so order additional copies, shall be charged for by the printer but once.

On motion of Mr. Goddard,

The resolution and amendment were referred to a select committee of two—Messrs. Goddard and Emrie.

Mr. Goddard, in accordance with previous notice, introduced the following bill:

S. 211: To amend the act allowing and regulating writs of attachment.

The same gentleman, from the committee on Public Works and Public Lands, introduced the following bill:

S. 212: In relation to the Miami Canal, the Miami Extension Canal, and the Wabash and Erie Canal.

Said bills were read the first time.

On motion of Mr. Ankeny,

The committee of the whole were discharged from the further consideration of House bill No. 184: and the bill was referred to a select committee of two—Messrs. Ankeny and Conklin.

On motion of Mr. Blake,

The Senate resolved itself into the committee of the whole on the

order of the day, Mr. Blake in the chair, and after sometime spent therein, rose and reported the following bills, some with and some without amendment.

H. 149: To repeal an act to lay out and establish the Mt. Vernon, Bennington & Delaware free turnpike road.

Referred to the standing committee on Roads and Highways.

H. 147: To amend an act entitled an act prescribing the times of holding the courts of common pleas in the 14th judicial circuit, and for other purposes, passed February 2, 1848.

Referred to a select committee of one—Mr. Backus.

H. 148: To incorporate the Columbus, Piqua & Indiana Railroad Company.

H. 150: To impose an additional tax for the improvement of the Maumee and Angola road.

Referred to the standing committee on Railroads and Turnpikes.

H. 153: To incorporate Troy Lodge No. 43, of the Independent Order of Odd Fellows.

Referred to the standing committee on the Judiciary.

H. 154: To repeal the act to establish a gate in the town of Fulton, &c.

Referred to the standing committee on railroads and turnpikes.

H. 156: For the relief of Nabby Wheeler.

Referred to the standing committee on the Judiciary.

H. 157: To extend the corporate limits of the city of Cincinnati.

Referred to the standing committee on Corporations.

H. 159: To incorporate the Maumee City Plank Road Company.

Referred to the committee on railroads and turnpikes.

H. 163: To authorize the sale of a part of school section 16, in Smithfield township, Jefferson county.

Referred to the committee on schools and school lands.

H. 167: For the relief of Amelius Heyden and William M. Folger.

Referred to the committee on benevolent institutions.

H. 132: To authorize county commissioners to allow guard fees in certain cases.

Referred to the committee on the Judiciary.

H. 248: To authorize the commissioners of Marion county to subscribe stock in railroad companies.

Referred to the committee on railroads and turnpikes.

S. 156: To authorize trustees of townships in the county of Union, to levy an additional road tax.

Ordered to be engrossed and read a third time to-morrow.

S. 158: To establish a land office at Defiance, and to abolish the land offices at Lima and Perrysburgh.

Referred to the committee on public lands.

S. 160: Declaring valid a certain sheriff's deed therein named.

Referred to the committee on the Judiciary.

S. 161: Amendatory to the act to provide for the profitable employment of convict labor on the New State House, passed February 24, 1848, and for other purposes.

Referred to the committee on public buildings.

S. 163: To repeal the 5th section of an act entitled an act to authorize the commissioners of this State to lay out and establish State roads.

S. 162: To amend the act incorporating the Wayne, Medina & Cuyahoga turnpike company.

Referred to the committee on railroads and turnpikes.

S. 171; To amend the act for the relief of occupying claimants of land.

S. 172: To amend the act in relation to divorces, and the care of children where parents separate.

Referred to the committee on the Judiciary.

S. 173: To incorporate the Columbus Art Union.

Referred to the standing committee on corporations.

H. 126: To amend an act entitled an act directing the mode of trial in criminal cases, passed March 7, 1831.

Referred to the committee on the Judiciary.

Mr. Conklin, on leave, from the select committee to which was referred H. 40: Prescribing the times of holding the courts of common pleas in the 16th judicial circuit, reported the same back with sundry amendments, which were agreed to.

Said bill was ordered to be read a third time to-morrow.

Mr. Goddard moved that the Senate adjourn,

Mr. Dimmock demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Bennett, Blake, Blocksom, Byers, Claypool, Conklin, Corwin, Goddard, Graham, Haines, Judy, Kendall, Swift, Vinal, Whitman, Wilson and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Burns, Dimmock, Dubbs, Emrie, Evans, Horton, Lewis, Myers and Worcester—12.

So the Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

TUESDAY, FEBRUARY 20, 1849.

Prayer by the Rev. Mr. Evans.

Mr. Scott presented the remonstrance of George Gilford and 52 other citizens of Williams county, against any law to empower the commissioners of said county to levy an additional tax to be expended on the Toledo and Angola Road.

Mr. Byers presented the petition of Thomas M'Kee and 51 others of Wayne county, for the election of John Larwill associate judge for said county.

Mr. Judy presented the petition of William Wenget and 17 other citizens of Union county, for the election of Jas. R. Smith and Christain Myers associate judges for said county.

Said petitions were laid upon the table.

Mr. Dubbs presented thirty remonstrances of 1442 citizens of Cincinnati against placing the several Medical Colleges on an equality in the Commercial Hospital.

Referred to the committee on Medical Colleges and Societies.

Mr. Conklin presented the petition of John Hutchinson and 16 others from Shelby county, for a free turnpike road from Sidney to St. Marys.

Laid on the table.

Mr. Patterson presented the petition of J. Dille and 48 citizens of Newark, for authority to the town council to subscribe to stock to Plank Roads.

Referred to the committee on corporations.

Mr. Archbold, from the committee on the judiciary, to which was referred S. No. 137; To authorize the trustees of Perry township, Columbiana county, to levy a tax to erect a market house and town hall, in said township, reported the same back without amendment, and recommended its engrossment.

The question being on the engrossment, Mr. Myers demanded the yeas and nays, which were ordered and resulted yeas 32, nays 0, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Claypool, Conklin, Corwin, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—32.

Negative—None.

So the bill was ordered to be engrossed.

Mr. Corwin, from the committee on corporations, to which was referred H. No. 121: To incorporate the Little Miami Bridge company, reported the same back with one amendment, which was agreed to.

Also S. No. 120; To authorize the city council of Columbus to occupy a part of a certain street and alley therein mentioned, for a market house, reported the same back and recommended its engrossment.

Agreed to.

Said bills were ordered to be read a third time to-morrow.

Mr. Archbold, from the committee on the judiciary, to which was referred H. No. 33; To change the name of John G. Backaus, of the county of Montgomery, reported the same back and recommended its indefinite postponement. Agreed to.

Said bill was indefinitely postponed.

Mr. Blocksom, from the committee on railroads and turnpikes, to which was referred H. No. 47; To amend the act incorporating the

Colerain, Oxford and Brookville Turnpike company, passed February 13, 1832, report the same back with one amendment. Agreed to.

Also H. No. 93; To incorporate the Millford, Edenton and Woodville Turnpike company, reported the same back with one amendment. Agreed to.

Also H. No. 110; To incorporate the Columbia and New Richmond Turnpike and Bridge company, reported the same back with one amendment. Agreed to.

Also H. No. 112; To incorporate the Union Bridge and Cincinnati Turnpike Road company, reported the same back with one amendment, which was agreed to.

Also H. No. 119; To incorporate the Bellbrook and Beaver Creek Turnpike Road company, reported the same back with one amendment, which was agreed to.

Also H. No. 152; To amend an act passed February 8, 1847, entitled an act accepting the charter and franchises of the First Range Turnpike company, in Ashtabula county, and declaring their said road a free turnpike road, reported the same back without amendment.

Said bills were severally ordered to be read a third time to-morrow.

Also H. No. 248; To authorize the commissioners of Marion county, to subscribe stock in railroad companies, reported the same back and recommended its passage.

Said bill was read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Corwin, from the committee on corporations, introduced the following bill:

S. No. 213; To incorporate certain towns therein named.

Said bill was read the first time.

Also H. No. 6; To incorporate the town of Carlisle, in the county of Monroe.

Also H. No. 20; To incorporate the town of Farmersville, in the county of Montgomery.

Also H. No. 26; To incorporate the town of Morrow, in the county of Warren.

Also H. No. 49; To incorporate the town of Bryan, in the county of Williams, reported the same back and recommended the indefinite postponement of said bills.

Said bills were indefinitely postponed.

Mr. Vinal, from the committee on claims, made the following report and resolution, which was agreed to:

The standing committee on claims, to which was referred the claim of Messrs. I. N. Whiting and Huntington against the state, for stationery furnished for the use of the court in bank, have examined the same and find it to be correct, they therefore offer for adoption the following resolution:

Resolved, By the General Assembly of the State of Ohio, that there be paid to I. N. Whiting and Huntington, for stationery furnished for the use of the court in Bank, the sum of sixty five dollars and ninety-

four cents, and that provision be made for the same in the general appropriation bill.

The same gentleman, from the committee on enrollment, made the following report:

The standing committee on enrollment report, that they have examined an act to lay out and establish a state road in the counties of Guernsey and Coshocton.

Also a resolution relative to the claim of John Graham.

Also a resolution calling on the secretary of State for books, &c., for Richland and Hocking counties.

Also an act to incorporate the Perrysburg and Findley Plank Road company, and find the same correctly enrolled.

Mr. Byers, from the select committee on that subject, introduced the following bill:

S. No. 214; To incorporate the town of Hayesville, in Ashland co. Said bill was read the first time.

Mr. Scott, from the select committee to which was referred H. No. 117; To amend the act to incorporate the Great Western Railroad Company, reported the same back with two amendments, which were agreed to.

Ordered to be read a third time to-morrow.

Mr. Conklin, from the select committee to which was referred H. No. 95; To authorize the sale of school lands belonging to Union township, (fractional) Champaign county, reported the same back with amendments, which were agreed to.

Said bill was then passed.

Ordered that the title be as aforesaid.

Mr. Bennett, from the select committee to which was referred S. No. 174; Prescribing the times of holding the court of common pleas in the fifth judicial circuit, reported the same back and recommended its passage.

Said bill was then passed.

Ordered that the title be as aforesaid.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

H. No. 169; To authorize the Governor, on behalf the state of Ohio, to make a conveyance of certain lands in Summit county, belonging to said state.

S. No. 210; To amend an act passed February 2, 1848, entitled an act directing the mode of proceeding in chancery, passed March 14, 1831.

S. No. 211; To amend the act allowing and regulating writs of attachment.

S. No. 212; In relation to the Miami Canal, the Miami extension and the Wabash and Erie canal.

The following bills were read a third time and passed:

S. No. 99; To incorporate the Jamesville gas light company.

S. No. 105; To incorporate the Marion hall building company of Mt. Healthy, Hamilton county, Ohio.

S. No. 123; To incorporate the trustees of the Pomeroy Academy.

S. No. 125; To amend an act entitled an act to incorporate the town of Sidney, passed March 1, 1834.

S. No. 147; To incorporate the Columbus and Blendon turnpike company.

S. No. 155; To incorporate the Liberty township turnpike company.

S. No. 156; To authorize the trustees of townships in the county of Union to levy an additional road tax.

S. No. 159; To authorize the trustees of Marion and Jefferson township, in the county of Clinton, to borrow money, and for other purposes.

H. No. 40; Prescribing the times of holding the courts of common pleas in the sixteenth judicial circuit.

H. No. 58; To amend an act to incorporate the town of Franklin, in the county of Marion, and to repeal all laws heretofore enacted on that subject, passed February 8, 1848.

H. No. 105; To incorporate the Newton fire company of Cincinnati.

H. No. 107; To extend the Monroeville plank road company to the town of Elyria, in Lorain county.

Ordered that the titles be as aforesaid.

The following bills were read a third time.

S. No. 56; To give additional security to land titles in this state.

Referred to a select committee of two—Messrs. Archbold and Goddard.

S. No. 76; To incorporate the Lower Sandusky, Tiffin and Fort Ball plank road company.

H. No. 32; To incorporate the Lower Sandusky plank road company.

Severally referred to a select committee of one—Mr. Myers.

The following bill was read a third time.

S. No. 133; To incorporate the Springfield and Northampton turnpike company.

The question being on agreeing to the title,

Mr. Vinal moved to add, after the word "Springfield," the word "Black Horse," which was agreed to.

The title, as amended, was agreed to, and the bill was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following Senate bill:

S. No. 49; To amend an act entitled an act to incorporate the Bellefontaine and Indiana railroad company, passed February 25, 1848.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 92; To amend the act entitled an act further to amend the act entitled an act to incorporate the town of Paynaville, passed Feb. 8, 1847.

H. No. 173; To authorize the sale of the south half of school section twenty four, granted to Washington township, now in Morrow county.

H. No. 174; To amend an act entitled an act to incorporate the Dayton and Xenia turnpike road company, passed Feb. 28, 1845.

H. No. 176; To amend the act to incorporate the city of Sandusky in Erie county; and for other purposes, passed March 8, 1845.

H. No. 177; To incorporate the Walnut street Baptist church of Cincinnati.

H. No. 181; To repeal part of the act entitled an act to lay out and establish a free turnpike road from Delaware in Delaware county, to Kenton in Hardin county, passed Feb. 8, 1848.

H. No. 211; To lay out and establish a free turnpike road from the Middletown and West Alexandria turnpike, to the West Elkton turnpike.

H. No. 259; Granting to the trustees and principal teachers of Greenfield Seminary, in Highland county, authority to confer degrees and testimonials of attainments.

Attest:

STANLEY MATTHEWS, Clerk.

House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendment to H. No. 125; To amend the act entitled an act to incorporate the New Baltimore and New Haven turnpike and bridge company, passed Feb. 8, 1847.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the following Senate resolution:
Resolution, adopting joint standing rules for the government of both houses.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following enrolled bills:

H. No. 7; To establish a free turnpike road from Springfield to Ridgeville in Warren county.

H. No. 15; To authorize the sale of school section sixteen, in Richland township, Wyandot county.

H. No. 16; To authorize the sale of school section sixteen, in Salem township, Wyandot county, Ohio.

H. No. 18; To provide for the sale of the northwest quarter of section sixteen of the original survey of township 9, range 4, in the Steubenville district, now in Greene township, Harrison county.

H. No. 25; To amend an act to incorporate the farmers mutual fire insurance company of Medina county.

H. No. 34; To incorporate the Locust street wharf company of Gallipolis.

H. No. 37; To amend the act to encourage the organization of fire companies, and to repeal former acts, passed Feb. 8, 1847.

H. No. 42; To repeal an act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed January 15, 1845.

H. No. 46; To appoint commissioners to lay out and establish a state road in the counties of Meigs, Gallia and Jackson.

H. No. 48; To authorize the sale of section sixteen in Harrison township, Gallia county.

H. No. 50; To authorize the commissioners of Van Wert county to borrow money for certain purposes.

H. No. 51; To incorporate the Otterbein University of Ohio.

H. No. 56; To repeal the act to provide for registering the names of electors, and to prevent frauds at elections, passed March 13, 1845.

H. No. 70; To incorporate the relief fire company of the city of Chillicothe.

H. No. 73; To incorporate the town of Youngstown, in the county of Mahoning.

H. No. 81; To incorporate the Savannah toll bridge company, in the county of Athens.

H. No. 82; To authorize the sale of school section sixteen in Pleasant township, Hancock county.

H. No. 83; To authorize the trustees of Portland township, Erie county, to borrow \$20,000 for the improvement of the Sandusky Harbor.

H. No. 84; To amend an act passed February 4, 1836, entitled an act to incorporate the town of Jefferson, in the county of Ashtabula.

H. No. 90; To amend the act incorporating the town of Steubenville.

H. No. 96; To revive and continue in force the provisions of an act entitled an act to amend an act to incorporate the Portsmouth dry dock and steamboat basin company, passed Feb. 14, 1846.

H. No. 111; Prescribing the times of holding the courts of common pleas in the thirteenth judicial circuit.

H. No. 136; To incorporate the Oxford female institute at the town of Oxford, in the county of Butler.

H. No. 151; To incorporate the Cincinnati Medical Institute.

H. No. 170; To fix the times of holding the courts of common pleas in the fifteenth judicial circuit.

H. No. 117; To provide for the sale of Western Reserve school lands.

S. No. 129; To lay out and establish a state road in the counties of Guernsey and Coshocton.

The Speaker of the House has also signed the following enrolled resolutions:

Resolutions relative to claim of John Graham.

Resolutions calling on the Secretary of State for books for Richland and Hocking counties.

Resolutions relative to furnishing Directors of Penitentiary with books.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Resolution relative to going into the election of Senator, Judges and other officers.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Goddard moved a call of the Senate which was ordered, and Messrs. Chase, Ewing, Hendricks and Kendall were absent.

On motion,

Messrs. Ewing, Chase and Hendricks were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the adoption of the resolution,

Mr. Ankeny moved to amend as follows:

“And one Associate Judge for Muskingum county.”

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Danmeek, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Cor-

win, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was lost.

Mr. Goddard moved to strike out "one United States Senator."

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 13, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Bennett, Claypool, Conklin, Corwin, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal, and Worcester—13.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—19.

So the motion was lost.

The question recurred on the adoption of the resolution.

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—18.

Those who voted in the negative, were

Messrs. Backus, Bennett, Claypool, Conklin, Corwin, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—14.

So the resolution was agreed to.

On motion of Mr. Goddard,

The Clerk of the Senate was directed to have 150 copies of the joint rules printed for the use of members.

Mr. Beaver offered for adoption the following:

Resolved, That both branches of the General Assembly do adjourn *sine die* on Monday, the 12th day of March next.

Mr. Burns moved to lay the resolution on the table.

Mr. Beaver demanded the yeas and nays thereon, which were ordered and resulted as follows—yeas 16, nays 16.

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was lost.

The question then being on the adoption of the resolution,
Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows :

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

So the motion was lost.

Mr. Dennison, on leave, from the committee on Corporations, to which was referred H. No. 64 ; To incorporate the Minster Fire Insurance Association, reported the same back with one amendment, which was agreed to.

Also H. No. 162 ; To incorporate the Mount Washington college, in Hamilton county, Ohio, reported the same back with one amendment ; agreed to.

Said bills were ordered to a third reading on to-morrow.

On motion of Mr. Bennett,

The Senate took a recess.

THREE O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Archbold, Beaver, Blake, Blocksom, Burns, Chase, Claypool, Conklin, Emrie, Ewing, Graham, Hendricks, Horton, Judy, Myers, Patterson, Scott and Whitman were absent.

On motion of Mr. Bennett,

The Senate adjourned.

Attest:

JOHN B. KNAPP, JR., Clerk.

WEDNESDAY, FEBRUARY 21, 1849.

Prayer by the Rev. Mr. Hitchcock.

Mr. Dubbs presented sundry petitions from 662 citizens of Cincinnati for an equitable division of the privileges and duties in the Commercial Hospital in said city.

Referred to the committee on Medical Colleges and Societies.

Mr. Swift presented the petition of 28 citizens of Portage county for a law to exempt a Homestead from sale on execution.

Referred to the standing committee on the Judiciary.

Also the petition of G. H. Haskell and 26 others of Boston, in Summit county, for a law to tax dogs, may be extended to said county.

Referred to the committee on Agriculture.

Mr. Archbold, from the committee on the Judiciary, to which was referred S. No. 152; To repeal an act entitled an act to regulate the sale of intoxicating liquors in the towns of Cuyahoga Falls, reported the same back and recommended its engrossment; agreed to.

Also H. No. 53; To provide for the punishment of a crime therein named, reported the same back with one amendment, which was agreed to.

Also H. No. 132; To authorize county commissioners to allow guard fees in certain cases, reported the same back.

Also S. No. 107; To incorporate the Toledo Lodge No. 144, of the Free and Accepted Masons, in the county of Lucas, reported the same back and recommended its engrossment; agreed to.

Also S. No. 112; Further to amend an act dispensing with proof in certain cases, passed December 13, 1823, reported the same back and recommended its engrossment; agreed to.

Said bills were ordered to be read a third time to-morrow.

Also S. No. 69; To authorize county surveyors to take acknowledgment of deeds, &c., reported the same back and recommended its indefinite postponement.

Referred to a select committee of one, Mr. Bennett.

Also Senate resolution relative to collating the militia laws of Ohio, reported the same back and the resolution was

Referred to the committee on the Militia.

Also Senate resolution relative to the State Bank and a free banking system, reported the same back and recommended that the committee be discharged from the further consideration of the same; agreed to.

Mr. Blocksom, from the committee on Railroads and Turnpikes, to which was referred H. No. 66; To incorporate the Oxford, Western and Connersville turnpike road company, reported the same back with one amendment, which was agreed to.

Also H. No. 76; To incorporate the Lake Erie and Milan plank road company, reported the same back with one amendment, which was agreed to.

Also H. No. 138; To incorporate the Lewisburgh and Liberty Corner turnpike road company, reported the same back with one amendment, which was agreed to.

Also H. No. 148; To incorporate the Columbus, Piqua and Indiana railroad company, reported the same back with one amendment, which was agreed to.

Also H. No. 154; To repeal the act establishing a turnpike gate in the town of Fulton, &c., reported the same back.

Also H. No. 186; To incorporate the London and Lafayette turnpike company, reported the same back with one amendment, which was agreed to.

Also H. No. 223; To lay out and establish the West Hinton free turnpike road, reported the same back.

Said bills were ordered to be read a third time to-morrow.

Mr. Archbold, from the committee on the Judiciary, to which was referred S. No. 41, to repeal the act entitled an act to create the office of Attorney General, and to prescribe his duties, and the acts amendatory thereto, reported the same back and recommended its indefinite postponement. Agreed to.

Said bill was indefinitely postponed.

Also, H. No. 23, To authorize the administrator of William S. Tracy, deceased, to complete real estate, reported the same back, and recommended its being ordered to a third reading.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 11, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Bennett, Blake, Corwin, Dennison, Judy, Kendall, Lewis, Whitman, Worcester and Speaker—11.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Blocksom, Burns, Byers, Claypool, Conklin, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Horton, Myers, Patterson, Scott, Swift and Vinal—20.

So the motion was lost.

Mr. Blocksom moved to reconsider the vote just taken on the above bill, and the motion was

Laid on the table.

Also, H. No. 108, to further amend the act entitled an act to regulate the practice of the judicial courts, reported the same back.

Ordered to be read the third time to-morrow.

Also, Senate resolutions relative to quo warranto and habeas corpus, reported the same back and asked that the committee be discharged from the further consideration of these subjects; which was agreed to.

Also, S. No. 10, Supplementary to the act to provide for the taking of depositions, passed March 3, 1831, reported the same back and recommended the postponement of the bill until the first Monday of December next. Agreed to.

Also, S. No. 16, postponed from the last General Assembly, to amend an act entitled an act defining the powers and duties of Justices of the Peace and Constables in civil cases, reported the same back, and recommended the indefinite postponement of the bill; which was agreed to.

Said bill was indefinitely postponed.

Also, S. No. 143, to change the name of John Stratton, reported the same back and recommended the indefinite postponement of the bill.

Mr. Burns demanded the yeas and nays which were ordered, and resulted yeas 14, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Bennett, Byers, Claypool, Corwin, Goddard, Horton, Kendall, Swift, Vinal, Whitman, Worcester and Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Blake, Burns, Dimmock, Dubbs, Emrie, Evans, Graham, Haines, Judy, Lewis, Myers, Patterson and Scott—15.

So the motion was lost.

The question recurring on ordering the bill to be engrossed.

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Blake, Burns, Dimmock, Dubbs, Emrie, Evans, Graham, Haines, Judy, Lewis, Myers, Patterson and Scott—15.

Those who voted in the negative, were

Messrs. Archbold, Backus, Bennett, Byers, Claypool, Corwin, Dennison, Goddard, Horton, Kendall, Swift, Vinal Whitman, Worcester and Speaker—15.

So the Senate refused to order the bill to be engrossed.

The same gentleman, from the same committee, introduced the following bill:

S. No. 215; To amend the act entitled an act to abolish imprisonment for debt, passed March 19, 1838.

Said bill was read the first time.

Mr. Backus, from the committee on Finance, to which was referred H. No. 89, to authorize the trustees of Portland township, Erie county, to borrow \$20,000 and subscribe the same as stock in plank roads, reported the same back with sundry amendments, which were agreed to.

Also, S. No. 122, in relation to taxes, schools and sewers in the city of Toledo, reported the same back and recommended its engrossment. Agreed to.

Said bills were ordered to be read a third time to-morrow.

Mr. Worcester, from the committee on the Judiciary, to which was referred the petition of Rev. Samuel Jacobs, for a law to divide church property, reported the same back and asked to be discharged from the further consideration of the same. Agreed to.

Mr. Dubbs, from the committee on Public Works, to which were referred sundry petitions relative to the construction of a lock at the feeder dam below Chillicothe, made a report, and recommended the indefinite postponement of the subject.

Mr. Archbold moved that the report be laid on the table and printed. Lost.

Mr. Whitman moved that the matter be postponed until the first Monday of December next. Agreed to.

Mr. Backus, from the select committee to which was referred S. No. 180, to amend the act entitled an act to authorize the Commissioners of Franklin county and the city council of the city of Columbus, to subscribe to the stock of certain railroad companies, passed February 6, 1847, reported the same back with one amendment, which was agreed to.

Said bill was engrossed at the the clerk's desk and read the third time and passed.

Ordered that the title be as aforesaid.

Mr. Ankeny, from the select committee to which was referred H. No. 184, in relation to the Urbana, Troy and Greenville Turnpike Road company, reported the same back without amendment.

Mr. Backus, from the select committee to which was referred H. No. 147, to amend the act entitled an act prescribing the times of holding the court of common pleas in the 14th judicial circuit, and for other purposes, passed February 2, 1848, reported the same back with several amendments; which were agreed to.

Said bills were ordered to a third reading to-morrow.

Mr. Corwin, from the majority of the select committee to which was referred H. No. 61, for the relief of John D. Burrell, reported the same back and recommended its passage.

Mr. Whitman moved to lay the bill on the table.

Mr. Corwin demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift and Whitman—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Goddard, Haines, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the motion was lost.

Mr. Byers moved the indefinite postponement of the bill.

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Patterson, Scott, Swift and Whitman—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Goddard, Haines, Judy, Kendall, Lewis, Myers, Vinal, Worcester and Speaker—17.

So the motion was lost.

Mr. Burns offered the following as an amendment:

"The provisions of this bill shall apply to all county and township treasurers in this State who held in their hands, as such treasurers, Wooster Bank paper at the time of the breaking of said bank, provided the written consent of county commissioners and township trustees, respectively, shall be first obtained."

The same gentleman demanded the yeas and nays, which were ordered, and resulted yeas 10, nays 21, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Scott and Whitman—10.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Blocksom, Claypool, Conklin, Corwin, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Myers, Patterson, Swift, Vinal, Worcester and Speaker—21.

So the motion was lost.

The question being, Shall the bill pass?

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted, yeas 20, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dubbs, Goddard, Graham, Haines, Judy, Horton, Kendall, Lewis, Myers, Swift, Vinal, Worcester and Speaker—20.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Emrie, Evans, Patterson, Scott and Whitman—11.

So the bill was passed.

Ordered that the title be as aforesaid.

Mr. Archbold, from the select committee to which was referred S. No. 56, to give additional security to land titles in this State, reported the same back with sundry amendments; which were agreed to.

The question being on the passage of the bill,

Mr. Archbold moved that the Senate take a recess.

Mr. Whitman moved the Senate adjourn.

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted yeas 3, nays 27, as follows:

Those who voted in the affirmative, were

Messrs. Byers, Dubbs and Whitman—3.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Claypool, Conklin, Corwin, Dimmock, Emrie, Evans, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Worcester and Speaker—27.

The Senate refused to adjourn.

The Senate then took a recess.

THOMAS O'ROCK, P. M.

The question being the passage of Senate bill No. 56, was agreed to, and the bill was passed.

Ordered that the title be as aforesaid.

Mr. Archbold, from the select committee to which was referred H. No. 168, to amend the act entitled an act for the support and better regulation of common schools, so as to allow the trustees of Richland township, Belmont county, to divide the town of St. Clairsville into two or more school districts, reported the same back.

Ordered to be read a third time to-morrow.

Mr. Scott, from the select committee on the subject, introduced the following bill:

S. No. 216; To incorporate the town of St. Mary's in Auglaize county, and to repeal certain acts.

Said bill was read the first time.

Mr. Denaïson, on leave, from the committee on Corporations, to which was referred H. No. 67, to incorporate the town of Flushing, Belmont county, reported the same back.

Ordered to be read a third time to-morrow.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 213; To incorporate certain towns therein named.

S. No. 214; To incorporate the town of Haysville, in Ashland county.

H. No. 92; To amend the act entitled an act further to amend the act entitled an act to incorporate the town of Painesville, passed Feb. 8, 1847.

H. No. 173; To authorize the sale of the south half of school section twenty-four, granted to Washington township, now in Monroe county.

H. No. 174; To amend the act entitled an act to incorporate the Dayton and Xenia Turnpike Road company, passed February 28, 1845.

H. No. 176; To amend the act to incorporate the city of Sandusky, in Erie county, and for other purposes, passed March 6, 1845.

H. No. 177; To incorporate the Walnut Street Baptist Church of Cincinnati.

H. No. 181; To repeal part of the act entitled an act to lay out and establish a free turnpike road from Delaware, in Delaware county, to Kenton, in Hardin county, passed Feb. 8, 1848.

H. No. 211; To lay out and establish a free turnpike road from the Middletown and West Alexandria turnpike to the West Elkton turnpike.

H. No. 259; Granting to the trustees and principal teachers of Greenville Seminary, in Highland county, authority to confer degrees and testimonials of attainments.

The following bills were read a third time and passed:

S. No. 120; To authorize the city council of Columbus to occupy a part of a certain street and alley therein mentioned, for a Market House.

S. No. 137; To authorize the trustees of Perry township, in the county of Columbiana, to levy a tax to erect a Town Hall and Market House in said township.

H. No. 47; To amend the act incorporating the Colerain, Oxford and Brookville Turnpike company, passed Feb. 13, 1832.

H. No. 64; To incorporate the Minster Fire Insurance association.

H. No. 93; To incorporate the Milford, Edenton and Woodville Turnpike company.

H. No. 110; To incorporate the Columbia and New Richmond Turnpike and Bridge company.

H. No. 112; To incorporate the Union Bridge and Cincinnati Turnpike Road company.

H. No. 117; To amend the act to incorporate the Great Western Railroad company.

H. No. 119; To incorporate the Bellbrook and Beaver Creek Turnpike Road company.

H. No. 121; To incorporate the Little Miami Bridge company.

H. No. 162; To incorporate the Mount Washington College in Hamilton county, Ohio.

Ordered that the titles be as aforesaid.

Message from the House of Representatives:

Mr. Speaker:

The House has disagreed to Senate amendment to H. No. 200 to amend the act entitled an act to incorporate the Tiffin and Findlay Plank Road company, passed Feb. 24, 1848:

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Emrie,
House bill No. 200, with amendment, was laid on the table.

Message from the House of Representatives:

Mr. Speaker:

The following bills have been introduced into the House and read the first time;

H. No. 314; To provide for the sale of the Z. and M. Turnpike, and for the payment of the debts of the corporation.

H. No. 315; To authorize the trustees of Xenia township, in Green county, to redistrict said township for school purposes.

H. No. 316; To incorporate the Defiance Female Seminary, in the county of Defiance.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 317; To extend the time of payment for school section sixteen, in Canton township, Stark county.

S. No. 318; To incorporate the Higginsport, Russellville, and Echmanville, Turnpike Road company.

H. No. 319; To amend the charter of the city of Ohio.

H. 320; To authorize the commissioners of Clermont and Hamilton counties to levy a tax to erect a bridge across the little Miami river at Simmeston, in Hamilton county.

H. No. 321; To amend an act entitled an act to incorporate the town of Gettysburg, in the county of Darke.

The House has passed the following bill:

H. No. 185; To incorporate the Dayton, Xenia, and Water Vliet Valley Turnpike company.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills with amendments:

S. 29; To amend the act incorporating the Ross County Turnpike company, passed February 19, 1848.

S. 61; Incorporating the Scioto Valley Railroad company.

Attest:

STANLEY MATTHEWS, Clerk.

Said House amendment to Senate bill No. 29, was agreed to.

Also, the amendments to Senate bill No. 61, were agreed to.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 312; To amend an act relating to Wills, passed March 23, 1840.

H. No. 313; To incorporate the Windham Library association, in the township of Windham, and county of Portage.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. No. 51; For the better regulation of the public schools, in towns, cities, &c., with amendments.

S. No. 47; To establish a free turnpike road from Carrollton, in Montgomery county, by way of Farmersville, Dunkers Church and Denniston's Mills to Eaton, in Preble county.

H. No. 55; To establish a free turnpike road from Sugar Valley to Camden, in Preble county.

H. No. 63; To establish a free turnpike road from Eaton, in Preble

county, by way of West Florence; and thence west on the Boston state road to the Indiana state line, with amendments.

S. No. 77; To authorize the sale of school section sixteen, in Monroe township, Preble county.

S. No. 132; To incorporate the Conneaut and Youngstown Plank Road company, with amendment.

Attest:

STANLEY MATTHEWS, Clerk.

Said House amendments to Senate bills No. 51, 63 and 132, were agreed to.

Mr. Worcester, on leave, from the select committee to which was referred H. No. 152: To amend an act entitled an act accepting the charter and franchises of the first range turnpike company, in Ashtabula county, and declaring their said road a free turnpike road, reported the same back with one amendment. Agreed to.

The bill was passed.

Ordered that the title be as aforesaid.

Mr. Emrie, in accordance with previous notice, introduced the following bill:

S. 217: To amend the charter of the Hillsborough & Cincinnati Rail road company.

Said bill was read the first time.

Mr. Dennison gave notice that he would, on to-morrow, or some subsequent day of the session, ask leave to introduce a bill to incorporate the Columbus and Worthington plank road or turnpike company.

Mr. Dennison gave notice that he would, on to-morrow, or some subsequent day of the session, ask leave to introduce a bill to incorporate the Columbus & Groveport turnpike company.

On motion of Mr. Emrie,

The committee of the whole were discharged from the further consideration of H. 259: Granting to the trustees and principal teachers of Greenfield Seminary, in Highland county, to confer degrees; and the bill was

Referred to a select committee of one—Mr. Emrie.

Mr. Worcester gave notice that on to-morrow, or some subsequent day of the session, he would ask leave to introduce a bill to incorporate the Bellevue, Norwalk & Birmingham plank Road company.

Mr. Dimmock offered for adoption the following:

WHEREAS, The annual report of the Attorney General contains the following paragraph, to-wit:

"Also the suit against Samuel Medary, William Werden, William T. Banks, William Anderson, and William L. Helfenstien, which was finally decided against the State in the Court in Bank at the December term, 1848. This suit was upon the official bond of Timothy G. Bates, as member of the Board of Public Works, dated April 1, 1839, to recover the sum of \$5,582 84, with interest from April 1, 1842, being the amount of public money for which he was a defaulter during his second term of service.

"The only defence relied upon, was that the bond was not in conformity with the provisions of the Statute, inasmuch as it was conditioned for the faithful discharge of the duties of *member* of the Board, instead of *acting Commissioner* of the Board, and upon this ground the case was decided in favor of the defendants. Bates having died insolvent, the money is entirely lost, amounting with interest to nearly \$8,000 00."

And whereas, a special committee, appointed by the General Assembly, on the 7th day of March, 1842, to investigate the accounts of the several members of the Board of Public Works, made the following statement in their report:

"It may be proper to state in this connection, that among the accounts of Mr. Bates, there is a balance sheet, purporting to have been made out in the office of the Commissioners of the Canal Fund, giving a statement of his contingent account for the years 1839, 1840 and 1841, from which it appears, that at the close of the last fiscal year, there was an unexpended balance in his hands of \$520 50, the accompanying records corresponding with the items as given in said balance sheet."

And whereas, it has been alleged that certain checks issued by said Bates, after his final accounts had been settled, and after his duties as such officer had ceased, were purchased by his creditors or others, and reluctantly paid by the State Treasurer; therefore,

Resolved, That a select committee of three be appointed by the Speaker of the Senate, to re-examine the accounts of Timothy G. Bates, and ascertain, if possible so to do, whether any loss ought to accrue to the State, by reason of said alleged defalcation.

Referred to the committee on public works and public lands.

On motion of Mr. Whitman,

Resolved, That the Auditor of State be requested to inform this Senate, at as early a day as possible, the amount of fees or salary paid to Messrs. Nash, Moore and Adams. as commissioners to examine the accounts of the Board of Public Works, &c., together with the whole amount of the cost of their several investigations, including traveling expenses, costs paid by the State, the expense of printing, and all other expenses incurred in their investigations, of whatever nature, together with the amount of costs, attorney's fees, &c., paid by the State, in the case of the State of Ohio vs. John Yontz, late resident engineer on the National Road. Also, the amount of money saved to the State by the investigation of said commissioners.

On motion of Mr. Worcester,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the law relating to judgments and executions, as to authorize judgment creditors, after the return of a levy upon real estate, to issue a further execution against the goods and chattels of the debtor.

Mr. Beaver moved that the Senate adjourn.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Blocksom, Byers, Claypool, Conklin, Dimmock, Emrie, Goddard, Graham, Haines, Judy, Patterson, Swift, Whitman and Worcester—16.

Those who voted in the negative, were

Messrs. Ankeny, Blake, Burns, Corwin, Evans, Horton, Kendall, Lewis, Myers and Speaker—10.

So the Senate adjourned.

Attest:

JOHN B. KNAPP, JR., Clerk.

THURSDAY, FEBRUARY 22, 1849.

Mr. Emrie moved a call of the Senate, which was ordered, and Messrs. Archbold, Blocksom, Chase and Ewing, were absent.

On motion,

Messrs. Chase and Hendricks were excused.

On motion,

All further proceedings under the call were dispensed with.

Mr. Backus presented the petition of the Chagrin Falls & Cleveland Plank Road Company, for an increase of capital stock, and for power to construct a branch road to Bedford.

Referred to a select committee of one—Mr. Backus.

The same gentleman, from the select committee on the subject, introduced the following bill:

S. 218: To amend the act incorporating the Chagrin Falls & Cleveland Plank Road Company.

Also, in accordance with previous notice, introduced the following bill;

S. 219: To regulate the granting of licenses to taverns, porter houses and houses of entertainment, in certain cases, in the city of Cleveland.

Mr. Dennison, on leave, in accordance with previous notice, introduced the following bills:

S. 220: To incorporate the Columbus & Worthington Plank Road or turnpike company.

S. 221: To incorporate the Columbus and Groveport Turnpike Company.

Said bills were read the first time.

Mr. Worcester, on leave, in accordance with previous notice, introduced the following bill:

S. No. 222; To incorporate the Bellevue, Monroeville, Norwalk, and Birmingham Plank Road Company.

Said bill was read the first time.

Mr. Burns presented the petition of 278 citizens of Ohio, in favor of the ten hour system of labor in this State.

Laid on the table.

Also, the petition of 539 persons, males, over the age of 21, and females over the age of 18 years, residents of Jefferson township, Richland county, for the repeal of all laws granting license to retail spirituous liquors.

Referred to a select committee of one—Mr. Whitman.

On motion of Mr. Ankeny,

The rules were suspended so as to take up a message from the House.

Message from the House of Representatives.

Mr. Speaker:

The hall of the House of Representatives is now ready for the reception of the Senate, to proceed to certain elections in pursuance of a joint resolution heretofore passed.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Whitman,

The members of the Senate, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and being seated within the bar, proceeded, pursuant to a joint resolution previously adopted, to ballot for one United States Senator.

Mr. Whitman moved a call of the Senate, which was ordered, and Messrs. Chase, Ewing and Hendricks, were absent.

Messrs. Chase and Hendricks were excused.

On motion,

All further proceedings under the call were dispensed with.

The following was the result of the first balloting:

Joshua R. Giddings received.....	9 votes.
William Allen.....	27 "
Thomas Ewing.....	41 "
Salmon P. Chase.....	14 "
Reuben Hitchcock.....	1 "
Emory D. Potter.....	2 "
David T. Disney.....	1 "
Blanks.....	11

No person having received a majority of all the votes given, they proceeded to ballot a second time, and the following was the result:

Joshua R. Giddings received	8 votes.
Thomas Ewing.....	41 “
Salmon P. Chase.....	52 “
William Allen	1 “
Blanks	4

No person having received a majority of all the votes given, they proceeded to ballot a third time and the following was the result:

Salmon P. Chase received	55 votes.
Thomas Ewing.....	39 “
Joshua R. Giddings.....	11 “
John C. Vaughan.....	1

Salmon P. Chase having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected United States' Senator, for the constitutional term of six years from and after the fourth day of March next.

The two houses next proceeded to ballot for one Judge of the Supreme Court of Ohio, with the following result:

Rufus P. Spalding received.....	54 votes.
Oliver M. Spencer.....	43 “
Edward Wade.....	9 “

Rufus P. Spalding having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected Judge of the Supreme Court of Ohio, for the constitutional term of seven years from and after the fifth day of March next.

The two houses next proceeded to ballot for one Judge of the Supreme Court of Ohio, with the following result:

William B. Caldwell received.....	54 votes.
Charles C. Converse.....	39 “
Benjamin S. Cowen.....	11 “
Oliver M. Spencer.....	1 “
Norton S. Townshend	1 “

William B. Caldwell having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected Judge of the Supreme Court of Ohio, for the constitutional term of seven years from and after the seventh day of March next.

Mr. Whitman moved that the convention take a recess until three o'clock, P. M.

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 57, nays 49, as follows:

YEAS of the Senate—Messrs. Ankeny, Archbold, Backus, Blockson, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Haines, Judy, Myers, Patterson, Scott, Swift, Whitman and Wilson.

YEAS of the House—Messrs. Armstrong, Brewer, Burt, Cockerill, Dalzell, Dresbach, Durbin, Edson, Franks, Johnson of Medina, Keller, King, Larimer, Leiter, Long, Miller, Monfort, Moore, Morrow, Morris, Morse, Mott, Myers, Norris, Pierce, Potter, Pugh, Ringwood, Roedter, Smart, Smith of Brown, Townshend, Truman, Van Buskirk, Vorhes, Whiteley and Speaker—57.

NAYS of the Senate—Messrs. Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Horton, Kendall, Lewis, Vinal, Worcester and Speaker.

NAYS of the House—Messrs. Bigger, Brainerd, Bundy, Chaffee, Copeland, Dodds, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Johnson of Cuyahoga, Jones, Julian, Lee, Marsh, McClure, Olds, Pennington, Phillips, Randall, Reber, Riddle, Rockwell, Scott, Smith of Madison, Thompson, Van Doren, Watt, Will and Woodford—49.

So the convention took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to recess.

The two houses then proceeded to ballot for one Quartermaster General, the following was the result :

Edgar Gale received	53 votes.
Benjamin F. Martin	36 "
James A. Briggs	9 "
Blanks and scattering	8

No person having received a majority of all the votes given, they proceeded to ballot a second time, and the following was the result :

Edgar Gale received	55 votes.
Benjamin F. Martin	33 "
James A. Briggs	6 "
Blanks and scattering	12 "

Edgar Gale having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected Quartermaster General of Ohio, for the term of three years from and after the first day of April next.

Mr. Whitman moved that the Senators retire to their chamber.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 31, nays 4, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Beaver, Bennett, Blocksom, Burns, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Worcester and Speaker—31.

Those who voted in the negative were

Messrs. Backus, Blake, Byers, and Wilson—4.

So the Senators retired to their chamber.

Mr. Whitman moved that the Senate adjourn.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 12, nays 22, as follows :

Those who voted in the affirmative were

Messrs. Ankeny, Backus, Beaver, Bennett, Claypool, Conklin, Dennison, Goddard, Haines, Judy, Kendall and Vinal—12.

Those who voted in the negative were

Messrs. Archbold, Blake, Blocksom, Burns, Byers, Corwin, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Horton, Lewis, Myers, Patterson, Scott, Swift, Whitman, Wilson, Worcester and Speaker—22.

So the motion was lost.

Mr. Dennison, from the committee on the Judiciary, to which was referred S. No. 93, to change the name of Elizabeth A. Degraw, reported the same back without recommendation.

Mr. Goddard moved that the bill be indefinitely postponed.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 8, nays 24, as follows :

Those who voted in the affirmative were

Messrs. Backus, Bennett, Dennison, Goddard, Horton, Vinal, Whitman and Speaker—8.

Those who voted in the negative were

Messrs. Ankeny, Beaver, Blake, Blocksom, Burns, Byers, Claypool, Conklin, Corwin, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Haines, Judy, Kendall, Lewis, Myers, Scott, Swift, Wilson and Worcester—24.

So the motion was lost.

Mr. Goddard moved a call of the Senate, which was ordered, and Messrs. Archbold, Chase and Hendricks were absent.

On motion,

Messrs. Chase and Hendricks were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the engrossment of the bill,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 23, nays 11, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Beaver, Blake, Blocksom, Burns, Claypool, Conklin, Corwin, Dimmock, Dubbs, Emrie, Evans, Graham, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Wilson and Worcester—23.

Those who voted in the negative were

Messrs. Archbold, Backus, Bennett, Byers, Dennison, Ewing, Goddard, Haines, Horton, Whitman and Speaker—11.

So the bill was ordered to be engrossed and read a third time tomorrow.

Mr. Vinal, from the committee on Enrollment, made the following report:

The standing committee on Enrollment report, that they have examined the following bills and find the same correctly enrolled, viz:

An act to lay out and establish a free turnpike road from Newton, in Union county, to Delaware, in Delaware county.

An act to authorize the trustees of Springfield township to subscribe money for the erection of a town hall.

An act to incorporate the Lake Erie and Trumbull Plank Road Company.

An act to authorize the trustees of townships in the county of Brown to levy an additional road tax.

Mr. Claypool moved that the Senate adjourn.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 21, nays 13, as follows:

Those who voted in the affirmative were

Messrs. Backus, Beaver, Bennett, Blocksom, Byers, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Patterson, Scott, Swift, Vinal and Whitman—21.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Blake, Burns, Dimmock, Dubbs, Emrie, Evans, Ewing, Myers, Worcester, Wilson and Speaker—13.

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

* FRIDAY, FEBRUARY 23, 1849.

Mr. Dennison presented the petitions of sundry citizens for the repeal of an act to lay out and establish the Bennington and Mt. Gilead free turnpike road company.

Referred to a select committee of one—Mr. Dennison.

Mr. Dimmock presented the petition of John Coskey and others, for a law to authorize school directors to levy an additional tax to complete school houses.

Referred to a select committee of one—Mr. Dimmock.

Mr. Kendall presented the petition of B. F. Conway and 42 citizens of Scioto county, for a law authorizing the county commissioners to subscribe to the capital stock of the Scioto Valley Railroad.

Referred to a select committee of one—Mr. Kendall.

Mr. Wilson presented the petition of 70 citizens of Union county, for the election of James R. Scott and Christian Myers associate judges for said county.

Mr. Beaver presented three remonstrances from H. E. Drake, E. Bratton, B. Nesbitt and 190 citizens of the town of Xenia, against curtailing the limits thereof.

Also three petitions from H. H. Hunter, George Cline, J. C. Weaver and 228 citizens of Fairfield county, for the election of Silas S. Geohegan an associate judge for said county.

Mr. Backus presented the petition of E. B. Mastick and 12 others for the election of Ahemaas Sherwin associate judge for Cuyahoga county.

Also the petition of George A. Benedict and 23 others of the Cleveland bar, for the election of Daniel Warner associate judge for Cuyahoga county.

Also the petition of S. W. Holloday and 42 others of Cleveland, for the election of Samuel McElroth associate judge of Cuyahoga county.

Also the petitions of William Strong, L. L. Lawtell and 61 citizens of Cuyahoga county, for the election of Nehemiah Dille an associate judge for said county.

Also two petitions of Nehemiah Dille, Moses Kelley and 76 citizens of Cuyahoga county, for the election of Charles Stetson, president judge of the 14th judicial circuit.

Said petitions were laid on the table.

Mr. Myers presented the petition of 29 citizens of Woodville, Sandusky county, for the incorporation of the Woodville cemetery.

Referred to the standing committee on corporations.

Mr. Beaver presented the petition of sundry citizens of Trumbull county, for a law securing the Homestead exemption.

Referred to the standing committee on the Judiciary.

Mr. Worcester, from the committee on the judiciary, to which was referred the petition of James Y. Penkerton of Mt. Eaton, to sell church property, make the following report, which was agreed to.

(See Appendix, p. 175.)

Mr. Burns, from the committee on benevolent institutions, to which was referred H. No. 187; For the relief of Amelius Hayden and William M. Folgar, reported the same back and recommended its passage.

Said bill was then passed.

Mr. Corwin, from the committee on corporations, to which was referred H. No. 114; To incorporate the town of St. Clairsville, in Belmont county, reported the same back.

Also S. No. 124; To incorporate the Chillicothe Cemetery company, reported the same back, and recommended its engrossment, which was agreed to.

Also S. No. 154; To incorporate the New England Hotel company, reported the same back and recommended its engrossment, which was agreed to.

Said bills were ordered to be read a third time to-morrow.

Mr. Wilson, from the select committee to which was referred S. No. 908; To amend the act entitled an act to fix permanently the times of holding the courts of common pleas in the second judicial circuit, passed February 1849, reported the same back.

Said bill was then read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Dimmock, from the select committee on that subject, introduced the following bill:

S. No. 223; To authorize the county auditor of Holmes county, to levy an additional tax in school district No. 9, Hardy township, for school house purposes.

Said bill was read the first time.

Mr. Emrie, from the select committee to which was referred H. No. 259; Granting to the trustees of Greenfield Seminary, authority to confer degrees, reported the same back and recommended its passage.

Referred to the committee on Colleges and Universities.

Mr. Myers, from the select committee to which was referred H. No. 32; To incorporate the Lower Sandusky Plank Road company.

Also S. No. 76; To incorporate Lower Sandusky, Tiffin and Fort Ball Plank Road company, reported the same back.

Said bills were then passed.

Ordered that the title be as aforesaid.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 215; To amend an act entitled an act to abolish imprisonment for debt, passed March 19, 1838.

S. No. 216; To incorporate the town of St. Marys, in Anglaize county, and to repeal certain acts.

S. No. 217; To amend the charter of the Hillsborough and Cincinnati Railroad company.

H. No. 185; To incorporate the Dayton, Xenia and Watervleit Valley Turnpike company.

S. No. 218; To amend the act incorporating the Chagrin Falls and Cleveland Plank Road company.

S. No. 219; To regulate the granting of licenses to taverns, porter houses and houses of entertainment, in certain cases in the city of Cleveland.

S. No. 220; To incorporate the Columbus and Worthington Plank Road or Turnpike company.

S. No. 221; To incorporate the Columbus and Groveport Turnpike company.

S. No. 222; To incorporate the Bellevue, Monroeville, Norwalk and Birmingham Plank Road company.

The following bills were read a third time and passed:

S. No. 112; Further to amend an act dispensing with proof in certain cases, passed December 18, 1823.

S. No. 152; To repeal an act entitled an act to regulate the sale of intoxicating liquors, in the town of Cuyahoga Falls.

H. No. 53; To provide for the punishment of a crime therein named.

H. No. 66; To incorporate the town of Flushing, Belmont county.

H. No. 69; To authorize the trustees of Portland township, Erie county to borrow \$20,000, and subscribe the same as stock to plank roads.

H. No. 76; To incorporate the Lake Erie and Milan Plank Road company.

H. No. 108; To further amend the act entitled an act to regulate the practice of the judicial courts.

H. No. 132; To authorize county commissioners to allow guard fees in certain cases.

H. No. 138; To incorporate the Leesburgh and Liberty Corner Turnpike road company.

H. No. 147; To amend the act entitled an act prescribing the times of holding the court of common pleas in the 14th judicial circuit, passed February 2, 1848.

H. No. 148; To incorporate the Columbus, Piqua and Indiana Railroad company.

H. No. 154; To repeal the act establishing a turnpike gate in the town of Fulton, &c.

H. No. 165; To amend the act entitled an act for the support and better regulation of common schools, so as to allow the trustees of Richland township, Belmont county, to divide the town of St. Clairsville into two or more school districts.

H. No. 184; In relation to the Urbana, Troy and Greenville Turnpike Road company.

H. No. 186; To incorporate the London and Lafayette Turnpike company.

H. No. 223; To lay out and establish the West Elkton free turnpike road.

The following bill was read a third time:

S. No. 93; To change the name of Elizabeth A. Degraw.

The question being, Shall the bill pass?

Mr. Goddaed demanded the yeas and nays thereon, which were ordered, and resulted yeas 21, nays 8, as follows :

Those who voted in the affirmative, were

Messrs. Ankeny, Blake, Burns, Claypool, Conklin, Corwin, Dubbs, Emrie, Evans, Ewing, Graham, Horton, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Wilson and Worcester—21.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Dennison, Goddard, Haines, Horton and Speaker—8.

So the bill was passed.

Ordered that the title be as aforesaid.

The following bill was read the third time:

S. No. 107; To incorporate the Toledo Lodge No. 144, of Free and accepted Masons, in the county of Lucas.

Referred to a select committee of one—Mr. Goddard.

S. No. 122; In relation to taxes, schools and sewers in the city of Toledo.

Referred to a select committee of one—Mr. Myers.

H. No. 66; To incorporate the Oxford, Western and Connersville Turnpike Road company.

The question being Shall the bill pass? was lost.

On leave on motion of Mr. Wilson,

The Senate receded from Senate amendments to House bill No. 200.

Mr. Goddard, on leave, from the select committee to which was referred S. No. 107, reported the same back with one amendment, which was agreed to.

The question being on agreeing to the title, it was amended as follows :

“To amend the act of March 11, 1845, to regulate Literary and other societies.”

The title as amended was agreed to, and the bill was passed.

Mr. Myers, on leave, from the select committee to which was referred S. No. 122, reported the same back, and the bill was passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time :

H. No. 323; To authorize the Governor to make deeds to certain school lands in Meigs county.

H. No. 324; Further to amend an act entitled an act to incorporate the town of Fairport, passed March 14, 1836.

H. No. 325; Making appropriations for the year 1849.

H. No. 326; Concerning the sale of intoxicating liquors.

H. No. 327; To incorporate the London and Mt. Sterling Turnpike company.

The House has passed the following bills:

H. No. 226; To incorporate the Sharon Railroad company.

H. No. 243; To amend an act passed February 24, 1848, entitled an act to amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of Superintendent, passed March 7, 1838, and the acts amendatory thereto.

H. No. 286; To authorize Ashabel Chittenden to surrender the lease for and become the purchaser of the east half of the southwest quarter of school section sixteen, in Scipio township, Seneca county, Ohio.

The House has passed the following joint resolution:

Relative to going into election of Judges for Hamilton county.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

The question being on agreeing to House joint resolution relative to going into an election.

Mr. Corwin moved to strike out "Thursday," and insert "Saturday."

Mr. Ankeny moved to amend as follows—"and one Associate Judge for the county of Muskingum."

On motion of Mr. Beaver,

House joint resolution relative to going into certain elections, was returned, the same being incorrect.

Mr. Dennison, on leave, from the joint select committee to wait on General Taylor at Cincinnati and invite him to visit the capital of this State, made the following report:

(*See Appendix p. 319.*)

Mr. Goddard, on leave, from the committee on Public Works and Public Lands, to which was referred Senate resolution relative to Timothy G. Bates, &c., reported the same back and recommended its adoption. Agreed to.

Messrs. Dimmock, Goddard and Swift, were appointed the select committee.

Message from the House of Representatives.

Mr Speaker:

The Speaker of the House has signed the following bills:

H. No. 91; To authorize the sale of school lands of Venice township, Seneca county, O.

H. No. 100; To lay out and establish a State road in the counties of Washington and Athens.

H. No. 75; To incorporate the Sandusky City and Castalia Plank Road company.

H. No. 88; To incorporate the Farmington Normal School, in the county of Trumbull.

S. No. 19; To incorporate the Perrysburgh and Findlay Plank Road company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills:

H. No. 109; To provide for the sale of school section 16, in Blanchard township, Hardin county, O.

H. No. 115; To authorize the sale of school lands belonging to Tymochtee township, Wyandotte county.

H. No. 145; To extend the charter of the Perrysburgh Canal and Hydraulic company.

H. No. 139; To regulate a certain school district in the township of Orwell, Ashtabula county.

H. No. 144; To authorize the sale of school section 16 in Plain township, Wood county.

H. No. 161; To incorporate the Franklin and Germantown Turnpike Road company.

H. No. 160; To amend an act entitled an act to encourage Teacher's Institutes, passed February 8, 1847.

H. No. 137; For the support and regulation of common schools in district No. 4, in Washington township, Preble county, in this State.

H. No. 94; To incorporate the Hocking County Savings Institute, at Logan.

H. No. 68; To incorporate the Waynesville and Sugar Creek Turnpike company.

H. No. 167; To incorporate the town of Rock Creek, Ashtabula county.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, in which the concurrence of the Senate is requested:

Relative to going into the election of Judges for Hamilton county.

Attest:

STANLEY MATTHEWS, Clerk.

The question being on agreeing to House joint resolution relative to going into an election,

Mr. Goddard moved to strike out "Friday," and insert "Saturday."

Mr. Burns called for a division of the question.

The question being on striking out,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 16, as follows.

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Vinal and Worcester—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Wilson and Speaker—16.

So the motion was lost.

Mr. Backus moved that the Senate take a recess.

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Vinal and Worcester—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Swift, Wilson and Speaker—16.

So the motion was lost.

Mr. Hendricks moved to amend the resolution as follows—"also, one Major General for the 19th division O. M."

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Dennison, Goddard, Hendricks, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Haines, Myers, Patterson, Scott, Swift and Wilson—16.

So the motion was lost.

Mr. Goddard moved to strike out "also an associate judge for the county of Hamilton." Agreed to.

The question being on agreeing to the resolution as amended,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 21, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Denison, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Hendricks, Myers, Patterson, Scott, Swift, Wilson, Worcester and Speaker—21.

Those who voted in the negative, were

Messrs. Backus, Conklin, Corwin, Goddard, Haines, Horton, Kendall, Lewis and Vinal—9.

So the resolution was agreed to.

The Speaker laid before the Senate the special special report of the Auditor of State, relative to Senate resolution of the 30th January, in regard to the examination of certain banks.

Referred to a select committee of one—Mr. Burns.

Also, the special reports of the Governor, relative to the resignation of Wm. B. Caldwell as president judge of the 9th judicial circuit.

Also, the resignation of Wm. Rozer, associate judge of Hancock county.

Also, the annual report of the trustees of the Deaf and Dumb Asylum.

Also, the tenth annual report of the Lunatic Asylum.

(See Vol. Pub. Doc.)

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 322; To incorporate the St. Jalem's Church of the Evangelical Protestants of Scioto township, in the county of Jackson.

The House has agreed to Senate amendment to H. No. 95; To authorize the sale of school lands belonging to Union township, (fractional) Champaign county.

The House has disagreed to Senate amendment to H. No. 107; To extend the Monroeville Plank Road Company to the town of Elyria, in Lorain county.

The House has agreed to Senate resolution relative to paying Whiting and Huntington.

The House has reconsidered the vote agreeing to Senate amendment to H. No. 125; To amend the act entitled "an act to incorporate the New Baltimore and New Haven Turnpike and Bridge Company," passed Feb. 8, 1847, and disagrees to said amendment.

The House has passed the following bill:

H. No. 264; To fix the times of holding the courts of Common Pleas in the 8th judicial circuit.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill, No. 107, and pending amendment was referred to a select committee of one—Mr. Goddard.

Also, H. No. 125, with pending amendments, to the same committee.

On motion of Mr. Wilson,
The Senate took a recess.

THREE O'CLOCK P. M.

Mr. Goddard, (on leave) from the select committee to which was referred H. No. 125; To amend the act entitled "an act to incorporate the New Baltimore and New Haven Turnpike and Bridge Company," passed Feb. 8, 1847, with Senate amendment, reported the same back and recommended that the Senate recede from its amendment, which was agreed to.

Also, H. No. 107; To extend the Monroeville Plank Road Company to the town of Elyria, in Lorain county, with Senate amendment, reported the same back and recommended that the Senate insist on its amendment, which was agreed to.

Mr. Dennison, (on leave) from the select committee to which was referred the annual report of the new state house commissioners, reported the same back, and the same was referred to the committee on Public Buildings.

Also introduced the following bill:

S. No. 224; To repeal the act to lay out and establish the Bennington and Mt. Gilead free turnpike Road.

Said bill was read the first time.

Mr. Scott, from the committee on Enrollment, made the following report:

The committee on Enrollment have compared the following bill and resolutions, and find them correctly enrolled:

An act to incorporate the Springfield Female Seminary in the county of Clark.

Also, a resolution relative to furnishing statutes and laws to Morrow and Auglaize counties.

Also, a resolution relative to admitting Mrs. Isabella Johnston into the Ohio Lunatic Asylum.

Also, a resolution relative to the railroad legislation of the state of Pennsylvania.

Also, a resolution relative to furnishing Swan's Collated Statutes to the several counties in this state not already furnished.

On motion of Mr. Horton,

The committee of the whole were discharged from the further consideration of S. No. 183; To amend an act to lay out and establish a

graded state road in the counties of Maigs, Gallia and Jackson; passed January 28, 1848.

Referred to the committee on Roads and Highways.

On motion of Mr. Vinal,

The committee of the whole were discharged from the further consideration of S. No. 190; To extend Market street in the town of Springfield.

Referred to a select committee of one—Mr. Vinal.

On motion of Mr. Burns,

The vote was reconsidered on H. No. 86; To incorporate the Oxford, Western and Ockersville Turnpike Road Company.

Said bill was then passed.

Ordered that the title be as aforesaid.

Mr. Hendricks, in accordance with previous notice, introduced the following bill:

S. No. 225; More effectually to prevent the sale of lottery tickets in this state.

Said bill was read the first time.

On motion of Mr. Backus,

Senate resolution relative to the Canal Bank of Cleveland was taken up and referred to a select committee of three—Messrs Backus, Whitman and Ganklin.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 328; To incorporate the Black River and Amherst Plank Road Company.

H. No. 329; To amend the act entitled "an act to authorize Nathan Starr to sell and convey certain real estate, the property of the minor heirs of his late wife Mary W. Starr;" passed January 26, 1844.

The House has passed the following bill with one amendment:

S. No. 180; Relating to sale of bonds of the Columbus and Xenia Railroad Company, and of the Cleveland, Columbus and Cincinnati Railroad Company.

Attest:

STANLEY MATTHEWS, Clerk.

Said House amendment to S. No. 180 was disagreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to senate amendment to House joint resolution relative to electing judges for Hamilton county.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House is now ready for the reception of the Senate, for the 27—s. j.

pose of going into election in pursuance of joint resolution adopted by both Houses.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Emrie moved a call of the Senate, which was ordered and Messrs. Beaver, Bennett, Chase, Judy and Whitman were absent.

On motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Burns,

The members of the Senate, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and being seated within the bar, both houses proceeded, in pursuance of a joint resolution previously adopted for that purpose, to elect one President Judge for the 9th judicial circuit.

Mr. Byers moved a call of the Senate, which was ordered and Messrs. Bennett, Chase, Claypool, Judy, Whitman and Wilson were absent.

On motion,

All further proceedings under the call were dispensed with.

The following was the result of the first balloting:

Charles H. Brough received	51 votes.
Samuel M. Hart	40 "
James W. Taylor	9 "

Charles H. Brough having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected President Judge of the 9th judicial circuit, for the constitutional term of seven years from and after this day.

On motion,

The Senators retired to their Chamber.

On motion of Mr. Blake,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Dennison in the chair, and after some time spent therein rose and reported back the following bills, some with and some without amendments:

S. No. 165; Further to amend the act entitled an act for the better regulation of common schools, and to create permanently the office of Superintendent.

Referred to the committee on Schools and School Lands.

S. No. 166; To lay out and establish the Port Lawrence and Springfield free turnpike road.

Referred to the committee on Roads and Highways.

S. No. 168; To incorporate the Cadiz high school.

Referred to the committee on Universities and Colleges.

S. No. 175; In relation to judicial proceedings in favor of and against dissolved corporations.

Referred to a select committee of one—Mr. Goddard.

S. No. 176; To amend the act to lay out and establish the Toledo and Port Clinton free turnpike road.

Ordered to be engrossed and read a third time to-morrow.

S. No 177; Further to amend the act to regulate the action of forcible entry and detainer.

Referred to the committee on the Judiciary.

S. No. 178; Further to amend an act regulating railroad companies, passed February 11, 1848.

Referred to a select committee of one—Mr. Dennison.

S. No. 179; To authorize the city council of the city of Columbus to lay out streets and alleys across the old penitentiary lot.

S. No. 181; To incorporate the Evangelical Lutheran Synod of Ohio and adjacent states.

S. No. 182. To incorporate the Ohio Educational Society of the Evangelical Lutheran Church.

Referred to the committee on Corporations.

S. No. 184; To incorporate the Delaware, Marysville, Milford, Mechanicsburg and Springfield Railroad Company.

S. No. 185; To amend and reduce in one the several acts relating to the Cincinnati, Hamilton and Dayton Railroad Company.

Referred to the committee on Railroads and Turnpikes.

On motion of Mr. Archbold,

The Senate adjourned.

Attest:

JOHN B. KNAPP, Jr., Clerk.

SATURDAY, FEBRUARY 24, 1849.

Mr. Byers presented four petitions of A. Mark, D. Slanker, W. W. Hanna, Samuel Schuckers and 169 other citizens of Wayne county, for the election of James Swart, an Associate Judge for said county.

Laid on the table.

Mr. Ankeny presented the petition of Lawrence Teddrick and 50 other citizens of Tuscarawas county, for a law to prevent judges of courts from pettifogging and encouraging litigation.

Referred to a select committee of one, Mr. Ankeny.

Mr. Claypool presented the petition of 33 citizens of the State of Ohio, that a lock may be erected in the feeder dam below Chillicothe to pass steamboats.

Mr. Corwin presented the petition of J. C. Dean and 7 others for the abolition of capital punishment.

Laid on the table.

Also the remonstrance of 50 citizens of Warren and Hamilton counties, against the passage of the bill for the improvement and repair of the Cincinnati and Carthage road.

Referred to the standing committee on Roads and Highways.

Mr. Kendall presented the petition of P. Chandler and 78 other citizens of Scioto county, for a law authorizing the county commissioners to subscribe to the Scioto Valley railroad.

Referred to a select committee of one, Mr. Kendall.

Mr. Lewis presented the memorial of the Steubenville, Cadiz and Cambridge McAdamized road company.

Referred to a select committee of one, Mr. Lewis.

Mr. Whitman presented the petition of sundry citizens of Union county for the election of Christian Myers and James R. Smith as Associate Judges for said county.

Also the remonstrance of sundry citizens of Sugar Grove, against the incorporation of said town.

Laid on the table.

Mr. Corwin, from the committee on Corporations, to which was referred S. No. 173; To incorporate the Columbus Art Union.

Also S. No. 179; To authorize the city of Columbus to lay out streets and alleys across the old penitentiary lot in said city.

Also S. No. 181; To incorporate the Evangelical Lutheran Synod of Ohio and adjacent States.

Also S. No. 182; To incorporate the Ohio Education Society of the Evangelical Lutheran church, reported the same back and recommended their engrossment; agreed to.

Also H. No. 36; To incorporate the town of Malvern, in the county of Carroll.

Also H. No. 97; To amend the act entitled an act to incorporate the town of Elyria, reported the same back.

Said bills were ordered to be read a third time on Monday next.

Also the petition of 29 citizens of Woodville, for the incorporation of the Woodville Cemetery, reported the same back and asked to be discharged from the subject; agreed to.

Mr. Dennison, from the committee on Universities, Colleges and Academies, to which was referred H. No. 259; Granting to the trustees and teachers of Greenfield Seminary in Highland county, authority to confer degrees, &c., reported the same back with one amendment, as follows:

Amend after the word "institutions," in line 7, sec. 1, as follows—

"Provided, that the power of conferring degrees shall not be exercised by said seminary until it shall have obtained property, either real or personal, to the amount of ten thousand dollars in value, to be estimated by three disinterested freeholders of the county of Highland, who shall be chosen by the auditor of said county, and make report to the auditor, by whom the same shall be filed and preserved.

Mr. Emrie demanded the yeas and nays thereon, which were ordered and resulted—yeas 13, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Kendall, Vinal and Speaker—13.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Ewing, Hendricks, Lewis, Myers, Patterson, Scott, Swift, and Whitman—18.

So the amendment was disagreed to.

Mr. Goddard moved to recommit the bill to the committee on the Judiciary, with instructions to report a general law authorizing all colleges, academies, institutes, schools and literary societies, to grant such degrees and testimonials of merit as they may deem proper.

Mr. Dimmock called for a division.

The question being on recommitting,

Mr. Emrie demanded the yeas and nays thereon, which were ordered and resulted—yeas 7, nays 22, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Conklin, Goddard, Haines, Swift, and Worcester—7.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Horton, Kendall, Lewis, Myers, Patterson, Scott, Vinal, Whitman, and Speaker—22.

So the motion was lost.

The question being on ordering the bill to a third reading,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Corwin, Dimmock, Dubbs, Emrie, Evans, Ewing, Hendricks, Lewis, Myers, Patterson, Scott and Whitman—18.

Those who voted in the negative were

Messrs. Backus, Beaver, Conklin, Dennison, Goddard, Haines, Horton, Kendall, Swift, Vinal, Worcester and Speaker—12.

So the bill was ordered to a third reading.

The bill was then read a third time and passed.

Ordered that the title be as aforesaid:

Mr. Scott, from the committee on Enrollment, made the following report:

The standing committee on Enrollment have examined and compared the following bill and find it correctly enrolled—

“Relating to the sale of bonds of the Columbus and Xenia Railroad company, and of the Cleveland, Columbus, and Cincinnati Railroad company.”

Mr. Conklin, from the committee on Public Buildings, to which was referred the report of the New State House Commissioners, reported the same back.

The report was laid on the table.

Mr. Dennison, from the committee on Colleges and Academies, to which was referred S. No. 168, to incorporate the Cadiz High School, reported the same back, and the bill was

Ordered to be engrossed, and read the third time on Monday next.

Mr. Dennison, from the Judiciary committee to which was referred S. No. 171, to amend an act for the relief of occupying claimants of lands, reported the same back and recommended its engrossment.

On motion of Mr. Archbold,

The bill was recommitted to the same committee.

Mr. Whitman, from the committee on Schools and School Lands, introduced the following bill:

S. No. 226; To amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of Superintendent, passed March 7, 1838, and the acts amendatory thereto.

Mr. Backus, from the committee on Finance, introduced the following bill:

S. No. 227; Concerning the tax on Lawyers and Physicians, the tax on Pedlars, auction duties, and the tax on foreign Insurance companies.

Said bills were read the first time.

Mr. Vinal from the committee on Claims, made the following report, with the resolution.

Which were agreed to.

(See Appendix, p. 385.)

Resolved, That the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his papers.

The same gentleman, from the same committee to which was referred the petition and papers relative to the claim of T. J. Davis, reported the same back, and asked to be discharged, and asked that the papers be referred to the committee on the Judiciary. Agreed to.

Mr. Myers, from the committee on Roads and Highways to which was referred S. No. 183, to amend an act entitled an act to lay out and establish a graded state road in the counties of Meigs, Gallia and Jackson, passed January 28, 1848, reported the same back with sundry amendments.

Which were agreed to.

Mr. Vinal, from the select committee to which was referred S. No. 190, to extend Market street, in the town of Springfield, reported the same back with one amendment.

Which was agreed to.

Mr. Dennison, from the select committee to which was referred S. No. 178, further to amend the act regulating railroad companies, passed February 11, 1848, reported the same back.

Said bills were ordered to be engrossed, and read the third time on Monday next.

Mr. Kendall, from the select committee on the subject, introduced the following bill:

S. No. 228; Authorizing the commissioners of Scioto county to subscribe to the capital stock of the Scioto and Hocking Valley Railroad company.

Said bill was read the first time.

The following bills were read the third time, committed to the committee of the whole Senate and made the order of the day for this day:

S. No. 223; To authorize the county Auditor of Holmes county to levy additional tax in school district No. 9, Hardy township, for school house purposes.

S. No. 224; To repeal the act to lay out and establish the Bennington and Mt. Gilead free turnpike road.

S. No. 225; More effectually to prevent the sale of lottery tickets in this state.

H. No. 226; To incorporate the Sharon Railroad company.

H. No. 243; To amend an act passed February 24, 1848, entitled an act to amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of Superintendent, passed March 7, 1838, and the acts amendatory thereto.

H. No. 286; To authorize Asahel Chittenden to surrender the lease for and become the purchaser of the east half of the southwest quarter of school section sixteen, Scipio township, Seneca county.

H. No. 264; To fix the times of holding the courts of common pleas in the eighth judicial circuit.

The following bills were read the third time and passed:

S. No. 124; To incorporate the Chillicothe Cemetery company.

S. No. 176; To amend the act to lay out and establish the Toledo and Port Clinton Free Turnpike Road.

H. No. 114; To incorporate the town of St. Clairsville, in Belmont county.

Ordered that the titles be as aforesaid.

The following bill was read the third time:

S. 154; To incorporate the New England Hotel company.

Said bill was referred to the committee on Corporations.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following resolution, in which the concurrence of the Senate is requested:

Resolution relative to going into the election of certain officers.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Claypool moved the indefinite postponement of the resolution.

Mr. Whitman moved a call of the Senate, which was ordered, and Messrs. Bennett, Chase, Ewing, Judy, Wilson and Worcester were absent.

The absent gentlemen were severally excused owing to sickness.

On motion,

All further proceedings under the call were dispensed with.

The question being on the indefinite postponement of the resolution, Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted, yeas 12, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, and Vinal—12.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Speaker—18.

So the motion was lost.

Mr. Goddard moved to strike out "Saturday" and insert "Monday."

Mr. Burns called for a division.

The question being on striking out,

Mr. Archbold demanded the yeas and nays, which were ordered and resulted, yeas 14, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, and Vinal—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Speaker—16.

So the motion was lost.

Mr. Goddard moved to strike out "one Associate Judge for Muskingum county."

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted, yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Vinal and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift and Whitman—15.

So the motion was lost.

The question being on the adoption of the resolution,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Swift, Whitman and Speaker—18.

Those who voted in the negative, were

Messrs. Backus, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis and Vinal—12.

So the resolution was agreed to.

On motion of Mr. Goddard,

The Senate took a recess.

THREE O'CLOCK, P. M.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

S. No. 180; Relating to the sale of bonds of the Columbus and Xenia Railroad company, and of the Cleveland, Columbus, and Cincinnati Railroad company,

S. No. 27; To incorporate the Lake and Trumbull Plank Road company.

S. No. 83; to authorize the trustees of townships, in the county of Brown, to levy an additional road tax.

S. No. 21, To authorize the trustees of Springfield township to subscribe money for the erection of a Town Hall.

S. No. 84; To lay out and establish a free turnpike road from Newton, in Union county, to the West line of Delaware county.

S. No. 11; To incorporate the Springfield Female Seminary, in the county of Clark.

Also, The following joint resolution, to wit:

Relative to admitting Mrs. Isabella Johnson into the Lunatic Asylum.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The Hall of the House is now ready for the reception of the Senate, for the purpose of going into certain elections, in pursuance of a joint resolution heretofore passed to that effect.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Goddard moved a call of the Senate, which was ordered, and Messrs. Beaver, Bennett, Chase, Ewing, Judy, Whitman, Wilson and Worcester were absent.

On motion,

Messrs. Bennett, Chase, Ewing, Judy, Wilson and Worcester were excused, owing to sickness.

On motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Ankeny,

The members of the Senate, preceded by their Speaker and Clerk, repaired to the Hall of the House of Representatives, and being seated within the bar, proceeded pursuant to a joint resolution previously adopted.

Mr. Byers moved a call of the Senate, which was ordered, and Messrs. Bennett, Chase, Ewing, Judy, Worcester and Wilson were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The two houses then proceeded to ballot for one Associate Judge for the county of Hamilton.

The following was the result of the balloting :

Robert Moore received	50 votes.
Thomas Smith	41 "
Samuel Lewis	5 "
Blanks	2

Robert Moore having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected Associate Judge of the county of Hamilton, for the constitutional term of seven years, from and after the the eleventh day of August, 1849.

The two houses next proceeded to ballot for one Associate Judge for Muskingum county.

The following was the result of the balloting:

Jacob P. Springer received	50 votes.
John T. Fracker	43 "
Blanks and scattering	5

Jacob P. Springer having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected Associate Judge for the county of Muskingum, for the constitutional term of seven years, from and after the twenty-fourth of February, 1849.

The two houses next proceeded to ballot for one Associate Judge for the county of Perry.

The following was the result of the balloting:

George Kishler received	50 votes.
Moses D. Brooke	36 "
Blanks and scattering	12

George Kishler having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Perry, for the constitutional term of seven years, from and after the 24th day of February, 1849.

The two Houses next proceeded to ballot for one associate judge for the county of Morgan.

The following was the result:

Oliver H. Keyser received.....	50 votes
Lemon Fouts.....	45 "
Blanks.....	3 "

Oliver H. Keyser having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Morgan, for the constitutional term of seven years, from and after the 24th day of February, 1849, in the place of Jesse M. Stone.

The two Houses next proceeded to ballot for one associate judge for the county of Morgan, with the following result:

Alexander McConnell received.....	50 votes
George L. Corner.....	43 "
Blanks.....	5 "

Alexander McConnell having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Morgan, for the constitutional term of seven years, from and after the rising of the present General Assembly, to take the place of George L. Corner.

The two Houses next proceeded to ballot for one associate judge for the county of Jackson, with the following result:

Patrick Murdock received.....	49 votes.
Edward H. Goddard.....	37 "
A. W. Ishan.....	9 "
Blanks.....	2 "

Patrick Murdock having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Jackson, for the constitutional term of seven years, from and after the 24th day of February 1849.

The two Houses next proceeded to ballot for one associate judge for the county of Lorain, with the following result.

William Day received.....	58 votes
Ozias Long.....	25 "
Blanks and scattering.....	14 "

William Day having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Lorain, for the constitutional term of seven years, from and after the 24th day of February, 1849.

The two Houses next proceeded to ballot for one major general, for the 8th Division, Ohio Militia, with the following result:

Daniel Cockerill received.....	50 votes
Reeder W. Clark.....	31 "
Blanks and scattering.....	14 "

Daniel Cockerill having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected major general for the 8th division, Ohio militia, for the term of six years, from and after the 24th day of February, 1849.

The House next proceeded to ballot for one associate judge for the county of Ashland, with the following result:

John C. Myers received.....	54 votes
Alfred H. Paxton.....	39 "
Blanks.....	4 "

John C. Myers having received a majority of all the votes, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Ashland, for the constitutional term of seven years, from the rising of the present General Assembly.

The Senators then retired to their chamber.

Mr. Blocksom gave notice that he would on Monday next, or some subsequent day of the present session, ask leave to introduce a bill to amend the act entitled "an act providing for the punishment of crimes," passed March 7, 1835.

On motion of Mr. Blake,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

MONDAY, FEBRUARY 26, 1849.

Mr. Byers presented the petition of William Blackley, S. Briden-thall, George Mulholland, and 74 other citizens of Wayne county, for the election of James Swart associate judge of said county.

Laid on the table.

Mr. Hendricks presented the petition of Jno. Eichelberger and others of Preble county, for a plank road charter from Eaton to New Madison, Darke county.

Referred to a select committee of one—Mr. Hendricks.

Mr. Beaver presented the petition of sundry citizens of Mecca and Greene, Trumbull county, for the erection of the new county of Orange, jr.

Laid on the table.

Mr. Goddard presented the remonstrance of 49 citizens of Coshocton county, against the new county of Orange.

Laid on the table.

Mr. Kendall presented the petition of A. Crain and 22 other citizens of Scioto county, for a law authorizing the county commissioners to subscribe to the stock of the Scioto Valley railroad.

Laid on the table.

Mr. Archbold, from the committee on the judiciary, to which was referred S. 135: To amend an act entitled "an act relating to wills," passed March 23, 1840, and for other purposes, reported the same back with sundry amendments, which were agreed to.

Said bill was ordered to be engrossed and read the third time to-morrow.

Also, S. 5: To exempt homesteads from forced sale on execution, reported the same back with two amendments, which were agreed to.

Said bill was recommitted to the committee of the whole Senate, and made the special order of the day for to-morrow.

Mr. Myers, from the committee on roads and highways, to which was referred S. 166: To lay out and establish the Port Lawrence and Springfield free turnpike road, and recommended its engrossment. Agreed to.

Also, H. 149: To repeal the act to lay out and establish the Mt. Vernon, Bennington & Delaware free turnpike road, reported the same back.

Also, from the committee on railroads and turnpikes, to which was referred H. 150: To impose an additional tax for the improvement of the Maumee and Angola road, reported the same back with amendments, which were agreed to.

Mr. Blocksom, from the same committee, to which was referred S. 90: To incorporate the St. Marys & Wilshire plank road company, reported the same back and recommended its engrossment. Agreed to.

Mr. Goddard, from the select committee, to which was referred H. 133: To amend the act entitled an act to institute proceedings against corporations not possessing banking powers, and the visitatorial power of courts, and regulating corporations generally, reported the same back with amendments, which were agreed to.

Mr. Blocksom, on leave, from the committee on railroads and turnpikes, to which was referred S. 157: To incorporate the Columbus, Chillicothe & Portsmouth railroad company, reported the same back with one amendment, which was agreed to.

Said bills were ordered to be read the third time to-morrow.

Mr. Backus, on leave, presented the memorial of Isaac L. Hewitt, Esq., President of the Canal Bank of Cleveland.

Laid on the table to be printed.

Mr. Hendricks, from the select committee on the subject, introduced the following bill:

S. 229: To incorporate the Eaton and New Madison plank road company.

Mr. Lewis, in accordance with previous notice, introduced the following bill:

S. 230: For the relief of the Steubenville, Cadiz and Cambridge Macadamized road company.

Said bills were read the first time.

Mr. Burns, on leave, from the select committee to which was referred the special report of the Auditor of State relative to the examination of Banks, reported the same back.

Laid on the table to be printed.

Mr. Dennison, on leave, from the committee on the judiciary, to which was referred S. 172: To amend the acts in relation to divorces, and the care of children, whose parents separate, reported the same back and recommended its engrossment.

Referred to a select committee of one—Mr. Dennison.

The following bills were severally read a second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. No. 226; To amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7, 1838, and the acts amendatory thereto.

S. No. 227; Concerning the tax on Lawyers and Physicians, the tax on Pedlars, Auction duties, and the tax on Foreign insurance companies.

S. No. 228; Authorizing the commissioners of Scioto county to subscribe to the capital stock of Scioto and Hocking valley railroad company.

The following bills were read a third time and passed:

S. No. 168; To incorporate the Cadiz high school.

S. No. 173; To incorporate the Columbus Art Union.

S. No. 178; Further to amend an act regulating railroad companies, passed Feb. 11, 1848, and for other purposes.

S. No. 181; To incorporate the Evangelical Lutheran Synod of Ohio, and adjacent states.

S. No. 182; To incorporate the Ohio education society of the Evangelical Lutheran church.

S. No. 183; To amend an act entitled an act to lay out and establish a graded state road in the counties of Meigs, Gallia and Jackson, passed January 28, 1848.

H. No. 36; To incorporate the town of Malvern, in the county of Carroll.

H. No. 97; To amend the act entitled an act to incorporate the town of Elyria.

The following bill was read a third time :

S. No. 190; To extend Market street in the town of Springfield.

The question being on agreeing to the title,

Mr. Vinal moved to amend the title as follows:

A bill to extend certain streets in the town of Springfield, Clark county.

The title as amended was agreed to, and the bill was passed.

Ordered that the titles be as aforesaid.

The following bill was read the third time:

S. No. 179; To authorize the city council of the city of Columbus to lay out streets and alleys across the old Penitentiary lot in said city.

On motion of Mr. Goddard,

Said bill was referred to a select committee of one—Mr. Goddard.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 278; Fixing the prices of printers for publishing the delinquent and forfeited lists.

H. No. 188; To amend an act entitled an act to incorporate the towns of New Richmond and Susanna, in the county of Clermont, and the acts amendatory thereto.

H. No. 195; To incorporate the Mad River and Miami central railroad company.

H. No. 210; To amend an act entitled an act to incorporate the Franklin and Springborough turnpike company in Warren county.

H. No. 261; To amend an act entitled an act to authorize the trustees of townships in certain counties to levy an additional road tax, passed Feb. 22, 1848.

The House has also passed the following Senate bills:

S. No. 14; In addition to an act in relation to incorporated religious societies, passed March 5, 1836.

S. No. 57; Making Ophelia Piper the legal heir of Zadoch Tillotson, of Medina county; and changing the name of said Ophelia Piper to Caroline Tillotson.

S. No. 86; Authorizing the personal representative of Matthew J. Gilbert, late of Franklin county, deceased, to complete the contracts said Gilbert made in his lifetime, relative to real estate, and for other purposes.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has disagreed to Senate amendments to H. No. 119: To incorporate the Bellbrook and Beaver creek turnpike road company.

The House has also disagreed to Senate amendment to H. No. 47: To amend the act incorporating the Colerain, Oxford and Brookville turnpike company, passed Feb. 13, 1832.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills, Nos. 119 and 47, were severally referred to a select committee of one—Mr. Goddard.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendment to H. No. 102; To incorporate the Mt. Washington college, in Hamilton county, Ohio.

The House has also agreed to Senate amendments to the following House bills:

H. No. 64; To incorporate the Minster fire insurance company.

H. No. 117; To amend the act to incorporate the Great Western railroad company.

H. No. 121; To incorporate the Little Miami bridge company.

The House has disagreed to Senate amendments to the following bills:

H. No. 93; To incorporate the Millford, Edenton and Woodville turnpike company.

H. No. 110; To incorporate the Columbia and New Richmond turnpike and bridge company.

H. No. 112; To incorporate the Union bridge and Cincinnati turnpike road company.

The House has agreed to Senate amendment to the following bill:

H. No. 152; To amend an act passed February 8, 1847, entitled an act accepting the charter and franchises of the first range turnpike company in Ashtabula county, and declaring their said road a free turnpike road.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills, Nos. 93, 110 and 112, were severally referred to a select committee of one—Mr. Goddard.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following enrolled bill, to wit:

H. No. 200; To amend the act entitled an act to incorporate the Tiffin and Findlay plank road company, passed Feb. 24, 1848.

Attest:

STANLEY MATTHEWS, Clerk.

The Speaker of the Senate signed the above enrolled bill.

Mr. Conklin offered for adoption the following:

Resolved, By the General Assembly of the State of Ohio, that Thomas J. Line, Thomas Jay, John Clark, and Sidney L. Chaffee, their heirs and assigns, be and they are hereby authorized, under the provisions and conditions hereinafter expressed, to construct and keep up a dam across the Great Miami River, in Miami county, at a point nearly opposite to Culbertson & Co's Mills, on or near the site heretofore occupied by the State with a temporary dam, which dam was used for the purpose of supplying the Miami canal with water, that the said Line, Jay, Clark and Chaffee, and their heirs and assigns be further authorized to pass water from the pool of said dam into the Miami extension canal, through the state feeder three miles below Troy, and through the canal to the village of Tippecanoe, and to draw the same from the canal for Hydraulic purposes. Provided that said dam and the water way connected therewith, shall be considered as a state work, and under the control of the Board of Public Works, to be used by the State for the purpose of furnishing water for the canal at all times when it may be useful for such purposes. Provided, further, that the quantity of water so introduced shall not be so great as materially to obstruct navigation, nor shall anything in this authority be so construed as to interfere with any private rights now existing; and, provided further, that before carrying into effect the foregoing provisions, the said Thomas J. Line, Thomas Jay, John Clark and Sidney L. Chaffee, shall obtain the assent of the board of public works, and shall moreover enter into an article of agreement with the board, binding themselves to keep in good repair, at their own expense, all works necessary to the introduction of the water, and to conform to any regulations and stipulations, which said board may deem necessary and proper for the interests of the State.

Referred to the standing committee on public works and public lands.

Mr. Kendall gave notice that he would on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to incorporate the Iron Railroad company.

The Speaker laid before the Senate the special report of the Governor relative to certain lands on the Miami and Wabash and Erie canals.

[See Public Document.]

Referred to a select committee of one—Mr. Scott.

Also the special report of the Governor, reporting the resignation of Thomas Kent as associate judge for Williams county.

[See Public Document.]

Laid on the table.

Mr. Lewis offered for adoption the following resolution:

28—S. J.

Resolved, By the Senate and House of Representatives, that both branches or the General Assembly will adjourn *sine die*, on Wednesday the 14th of March next.

Mr. Ankeny moved a call of the Senate, which was ordered and Messrs. Bennett, Chase, Claypool, Ewing, Whitman, Wilson and Worcester were absent.

On motion,

The above gentlemen was excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on agreeing to the resolution,

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Dennison, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Swift—14.

So the resolution was disagreed to.

On motion,

The Senate resolved itself into a committee of the whole on the orders of the day, Mr. Byers in the chair, and after some time spent therein, arose and reported back the following bills, some with and some without amendments:

S. No. 186; To incorporate the town of Lockland in the county of Hamilton, with one amendment, which was agreed to.

Referred to the standing committee on Corporations.

S. No. 187; To repeal the provision of the forty-first section of the act for the punishment of crime.

Referred to the standing committee on the judiciary.

S. No. 188; To authorize the town council of Newark, to subscribe to the capital stock of the Newark Plank Road company.

Referred to the committee on corporations.

S. No. 189; To legalize a change in the town plat of Winchester, in Fairfield county, and to confirm the conveyances made by Reuben Dove, proprietor of Dove's addition to said town of Winchester, of the North half of Lots Nos. 17 and 18, to Jacob Reese and others.

S. No. 191; Concerning negotiable instruments.

Referred to the standing committee on the Judiciary.

S. No. 192; To incorporate the Springfield Gas Light and Coke company.

Referred to the committee on corporations.

S. No. 193; To amend the act entitled an act to amend and direct the mode of proceeding in chancery, passed February 21, 1846.

Referred to the committee on Judiciary.

S. No. 194; To amend the act entitled an act to incorporate the Millville, Reily and Milton Turnpike company.

Referred to the standing committee on Railroads and Turnpikes.

S. No. 195; To incorporate the Cleveland Gas Light and Coke company.

S. No. 196; To amend the act incorporating the Rockport Plank Road Company, entitled an act to incorporate the Chagrin Falls and Cleveland Plank Road company, and for other purposes.

Referred to a select committee of one—Mr. Backus.

S. No. 197; To authorize the sale of school lands belonging to Madison township, (fractional) Clark county.

Ordered to be engrossed and read a third time to-morrow.

S. No. 198; To amend the act entitled an act to incorporate the Bellfontaine and Indiana Railroad company, passed February 22, 1848.

Referred to the committee on railroads and turnpikes.

S. No. 199; To repeal an act passed February 24th, 1848, entitled an act to amend an act to regulate the militia, passed March 12, 1844.

Referred to a select committee of one—Mr. Goddard.

S. No. 200; To extend the corporate limits of the town of Medina, in the county of Medina.

Referred to a select committee of one—Mr. Blake.

Mr. Goddard, from the select committee to which was referred Senate resolutions relative to printing, reported the following resolution, which was agreed to:

Resolved, That the various reports and other communications now on the table, which are usually printed with the appendix to the journal and in the volume of public documents, be taken up and ordered to be printed.

Mr. Dennison gave notice that he would on to-morrow or some subsequent day of the present session, ask leave to introduce a bill to amend an act entitled an act to incorporate the State Bank of Ohio, and other banking companies, passed February 24, 1845.

Also a bill to incorporate the Columbus Horticultural society.

Mr. Myers gave notice that he will on to-morrow or some subsequent day of the session, introduce a bill making the counties of Henry, Lucas and Ottawa one Representative district.

Mr. Bloekson, in accordance with previous notice, introduced the following bills:

S. No. 231; To amend the act entitled an act providing for the punishment of crimes, passed March 7, 1835.

Said bill was read the first time.

Mr. Dennison, on leave, presented the petition of Aaron R. Harrison and others, for the repeal of the Bennington and Mt. Gilead free turnpike road.

Also the proceedings of two meetings against the repeal of said road.

Referred to a select committee of one—Mr. Dennison.

On motion of Mr. Archbold,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Corwin in the chair, and after some time spent

therein, rose and reported back the following bills, some with and some without amendment:

S. No. 201; To authorize the establishment of a poor house by the city of Cleveland.

Referred to a select committee of one—Mr. Backus.

S. No. 202; To authorize the town council of the town of Warren, Brumhall county, to assess and collect an additional tax for fire purposes.

Ordered to be engrossed and read a third time to-morrow.

S. No. 203; To amend the act to extend the corporate limits of the town of Xenia, in Clark county.

Referred to the committee on Corporations.

S. No. 204; To amend the act entitled an act fixing the times of holding the court of common pleas in the 11th judicial circuit, passed February 7, 1848.

Ordered to be engrossed, and read a third time to-morrow.

S. No. 205; To incorporate the Waterville and Lafayette free turnpike road, in the counties of Lucas, Henry and Williams.

Referred to the committee on Railroads and Turnpikes.

S. No. 206; To prevent Railroad companies from charging a greater compensation for freight or passengers than is allowed by law.

Referred to the committee on the Judiciary.

S. No. 207; To establish a free turnpike road from New Paris to New Westerville in Preble county.

Referred to the committee on Roads and Highways.

S. No. 210; To amend an act passed February 25, 1848, entitled an act directing the mode of proceedings in chancery, passed March 14, 1831.

Referred to the standing committee on the Judiciary.

S. No. 212; In relation to the Miami canal, the Miami Extension and the Wabash and Erie canal.

Referred to the committee on Public Works.

S. No. 214; To incorporate the town of Haysville in Ashland county.

Ordered to be engrossed, and read the third time to-morrow.

Mr. Dubbs, on leave, from the select committee to which was referred H. No. 252, to confirm the charter of the Covington and Cincinnati Bridge company, incorporated by the General Assembly of Kentucky, passed February 17, 1846, with certain limitations, reported the same back with one amendment, which was agreed to.

The question being on ordering the bill to a third reading,

On motion of Mr. Goddard,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on ordering House bill No. 254, to a third reading,

Mr. Beaver moved to amend the bill as follows:

Page 7, after the word "feet," in the 9th line, strike out all to the word "water-mark," in the 11th line, and insert—"and the abutment or tower on the Ohio side, shall not extend into the river any further than the buildings now erected on the south side of Water street, and that the bridge shall be constructed sufficiently high to permit first class steamboats to pass under it at the abutment when the river is 20 feet below the usual stage of the water."

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted yeas 5, nays 22, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Corwin, Lewis and Speaker—5.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Byers, Conklin, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Horton, Kendall, Myers, Scott, Swift and Vinal—22.

So the amendment was disagreed to.

Mr. Myers moved to strike out the 10th section of the bill.

Mr. Byers moved to recommit the bill to the select committee who reported it.

Mr. Beaver demanded the yeas and nays thereon, which were ordered and resulted yeas 11, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Emrie, Myers, Patterson, Scott and Swift—11.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Conklin, Dennison, Dubbs, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—17.

So the motion was lost.

Mr. Blake moved to amend the amendment as follows:

Except that part of the 10th section of said act, as follows—"and it shall be unlawful for said company, their agents or officers, to suffer or permit any slave or slaves to pass over said bridge without a written request of the owner or owners of such slave or slaves, or without said slave or slaves shall do so in the company of such owner or owners. And said company shall be liable to pay to said owner or owners, for every slave or slaves so permitted to pass contrary to the provisions of this act, the full value of said slave or slaves, to be ascertained by the verdict of a jury, together with a penalty of ten per cent. thereon, to be assessed by the judgment of the courts, and all costs of suit, to be covered by action of debt, or on the case, as the plaintiff may elect."

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted, yeas 11, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Dimmock, Hendricks, Horton, Myers, Scott, Swift, Lewis, Vinal and Speaker—11.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Byers, Conklin, Dennison, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Judy, and Kendall—16.

So the amendment to the amendment was lost.

The question then recurring upon the amendment, it was lost.

Mr. Beaver moved to amend as follows, to come in at the end of the bill:

“Provided, always, that the agreement or compact proposed to be made between the States of Ohio and Kentucky, shall not take effect, nor the corporation hereinbefore intended to be created, be allowed to assume any of the powers or privileges intended to be conferred by this act and the aforesaid act of the State of Kentucky, until the said agreement or compact for the creation of said corporation shall have been first consented to by Congress, pursuant to the provisions of the 10th section of the 1st article of the constitution of the United States.”

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted, yeas 9, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Dimmock, Haines, Horton, Lewis, Myers, Swift and Speaker—9.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Byers, Conklin, Dennison, Dubbs, Emrie, Evans, Graham, Goddard, Hendricks, Judy, Kendall, Scott and Vinal—18.

So the motion was lost.

Mr. Blake moved to amend as follows:

“And, provided, this act shall not take effect until the Legislature of Kentucky shall have repealed so much of the 10th section of the act of the Legislature of Kentucky, incorporating the Covington and Cincinnati Bridge company, as renders said company liable to pay for any slaves that may cross said bridge.”

Mr. Dimmock moved that the Senate adjourn.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 12, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Blocksom, Dimmock, Goddard, Haines, Horton, Judy, Lewis, Myers and Scott—12.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Burns, Byers, Conklin, Dennison, Dubbs, Emrie, Evans, Graham, Hendricks, Kendall, Swift, Vinal, and Speaker—15.

So the motion was lost.

The question being on agreeing to the amendment,

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas 12, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Dimmock, Haines, Hendricks, Horton, Myers, Scott, Swift, Vinal and Speaker—12.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Byers, Conklin, Dennison, Dubbs, Emrie, Evans, Ewing, Graham, Judy and Kendall—15.

So the motion was lost.

The question then recurring on ordering the bill to a third reading.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Conklin, Dennison, Dubbs, Evans, Goddard, Graham, Hendricks, Judy, Kendall, Lewis and Vinal—15.

Those who voted in the negative, were

Messrs. Beaver, Blake, Burns, Byers, Dimmock, Emrie, Haines, Horton, Myers, Scott, Swift and Speaker—12.

So the bill was ordered to be read a third time to-morrow.

Mr. Byers moved that the committee of the whole be discharged from the further consideration of H. No. 264, to fix the times of holding the courts of common pleas in the 8th judicial circuit.

Mr. Ankeny moved a call of the Senate, which was ordered, and Messrs. Bennett, Chase, Claypool, Ewing, Patterson, Whitman and Worcester, were absent.

On motion,

All further proceedings under the call were dispensed with.

The question being on discharging the committee of the whole,

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted, yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Scott, Swift and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blaks, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—14.

So the motion was lost.

On motion of Mr. Goddard,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

TUESDAY, FEBRUARY 27, 1849.

Mr. Byers presented the petition of Jacob Summers and 22 other citizens of Wayne county, for the election of James Swart associate judge of said county.

Laid on the table.

Mr. Graham presented the petition of E. Miles and 98 citizens of Morrow county, for a law to tax dogs.

Referred to the committee on agriculture.

Mr. Bickus presented the petition of Wm. F. Allen and 87 citizens of Cleveland, for the repeal of all laws limiting the amount of banking capital and prohibiting paying out foreign notes.

Referred to the committee on the currency.

Mr. Judy presented the remonstrance of 101 citizens of Logan county against the alteration of the Bellefontaine and Lima free turnpike road.

Mr. Conklin presented the remonstrance of Andrew Coffinberry and other members of the Shelby county bar, against the establishment of the 19th judicial circuit.

Mr. Beaver presented the petition of Dan Eaton and other citizens of Mahoning county for a change in the mode and manner of electing members of the Legislature &c.

Mr. Burns presented the petition of 21 citizens of Richland county for the election of Benj. Jackson an associate judge for said county.

Said petitions were laid on the table.

Mr. Bennett presented the petition of citizens of Tuscarawas county for a plank road from New Philadelphia to Cadiz, Harrison county.

Referred to a select committee of one—Mr. Bennett.

Mr. Wilson presented the petition of 82 citizens of Fort Ball for the incorporation of said town, with plat and explanations.

Referred to the committee on corporations.

Mr. Dubbs presented the memorial of William Spencer, member of the late Board of Public Works, relative to his accounts.

Referred to the committee on Public Works.

Mr. Archbold, from the committee on the judiciary to which was referred S. No. 210; To amend an act directing the mode of proceeding in chancery, passed March 14, 1831, reported the same back.

Referred to a select committee of one—Mr. Goddard.

Also, S. No. 187; To repeal the proviso to the 41st section of the act for the punishment of crime, reported the same back and the bill was ordered to be engrossed.

Mr. Blockson, from the committee on Rail Roads and Turnpikes to which was referred S. No. 162; Further to amend the act incorporating the Wayne, Medina, and Cuyahoga Turnpike company, reported the same back.

Also, S. No. 163; To repeal the fifth section of an act entitled an act to authorize county commissioners of this state to lay out and establish state roads, reported the same back.

Also, S. No. 184: To incorporate the Delaware, Marysville, Milford, Mechanicsburg and Springfield Rail Road company, reported the same back.

Also, S. No. 194; To amend the act entitled an act to incorporate the Milville, Reily and Milton Turnpike company, reported the same back.

Also, S. No. 198; To amend the act entitled an act to incorporate the Bellefontaine and Indiana Rail Road company, passed February 22, 1848, reported the same back.

Said bills were severally ordered to be engrossed.

Also, H. No. 169; To incorporate the Maumee city Plank Road company, reported the same back with one amendment, which was agreed to.

Mr. Myers, from the committee on Roads and Highways to which was referred S. No. 207; To establish a free turnpike road from New Paris to New Westville, in Preble county, reported the same back.

Said bill was ordered to be engrossed.

Said bills were severally ordered to be read a third time to-morrow.

Mr. Beaver, from the select committee to which was referred S. No. 3; Granting to actual settlers the unsold and unappropriated lands belonging to the state of Ohio, reported the same back with an amendment, which was agreed to.

The question being on ordering the bill to be engrossed,

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 19, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Burns, Conklin, Dimmock, Dubbs, Emrie, Evans, Graham, Haines, Hendricks, Horton, Judy, Lewis, Myers, Patterson, Scott, Vinal and Wilson—19.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Bennett, Byers, Claypool, Goddard and Kendall—8.

So the bill was ordered to be engrossed and read a third time to-morrow.

Mr. Blake, from the select committee to which was referred S. No. 200; To extend the corporate limits of the town of Medina, in the county of Medina, reported the same back.

Mr. Bennett, from the select committee to which was referred S. No. 69; To authorize county surveyors to take acknowledgement of deeds, &c., reported the same back with one amendment which was agreed to.

The question being on ordering the bill to be engrossed,

Mr. Goddard demanded the yeas and nays, which were ordered, and resulted—yeas 17, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Bennett, Blake, Burns, Dennison, Dimmock, Emrie, Evans, Graham, Haines, Hendricks, Judy, Lewis, Myers, Patterson, Scott and Wilson—17.

Those who voted in the negative, were

Messrs. Ankeny, Bickus, Byers, Claypool, Dubbs, Goddard, Horton, Kendall and Vinal—9.

So the bill was ordered to be engrossed.

Said bills were ordered to be read a third time to-morrow.

Mr. Archbold, from the select committee to which was referred S. No. 34; To amend the act relating to juries, reported the same back with sundry amendments, which were agreed to.

Mr. Goddard moved to strike out the second section of the bill, which was agreed to.

The question being on ordering the bill to be engrossed,

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 7, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Conklin, Dennison, Emrie, Evans, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis and Vinal—17.

Those who voted in the negative were

Messrs. Ankeny, Burns, Byers, Dimmock, Dubbs, Scott and Wilson—7.

So the bill was ordered to be engrossed.

Mr. Bickus, from the select committee to which was referred S. No. 196; To amend an act to incorporate the Chagrin Falls and Cleveland Plank Road company and for other purposes, reported the same back with one amendment; agreed to.

Also, S. No. 201; To authorize the establishment of a poor-house by the city of Cleveland, reported the same back with sundry amendments, which were agreed to.

Said bills were ordered to be engrossed and read a third time on to-morrow.

Mr. Judy, from the select committee to which was referred S. No.

141, to amend an act entitled an act to establish a free turnpike road from Bellefontaine, Logan county, to the Indiana State line, reported the same back and recommended its indefinite postponement. Agreed to.

Said bill was indefinitely postponed.

Mr. Goddard, from the select committee to which were referred House bills Nos. 47, 93, 110, and 112, with Senate amendments thereto, reported the same back and recommended that the Senate recede from their several amendments to said bills. Agreed to.

The following bills were read the second time, committed to the committee of the whole Senate, and made the order of the day for this day:

S. No. 229; To incorporate the Eaton and New Madison Plank Road Company.

S. No. 230; For the relief of the Steubenville, Cadiz, and Cambridge McAdamized Road Company.

S. No. 231; To amend the act entitled an act providing for the punishment of crimes, passed March 7, 1835.

H. No. 178; Fixing the prices of printers for publishing the delinquent and forfeited lists.

H. No. 188; To amend an act entitled an act to incorporate the town of New Richmond and Susanna, in the county of Clermont, and the act amendatory thereto.

H. No. 195; To incorporate the Mad River and Miami Central Railroad Company.

H. No. 210; To amend an act entitled an act to incorporate the Franklin and Springboro' company, in Warren county.

H. No. 261; To amend an act entitled an act to authorize the trustees of townships in certain counties to levy an additional road tax, passed Feb. 22, 1848.

The following bill was read the third time and passed:

S. No. 90; To incorporate the St. Marys and Wilshire Plank Road company.

On motion of Mr. Goddard,

The Senate took a recess.

THREE O'CLOCK, P. M.

The following bills were read a third time and passed:

S. No. 197; To authorize the sale of school lands belonging to Madison township (fractional,) Clark county.

S. No. 202; To authorize the town council of the town of Warren, Trumbull county, to assess and collect an additional tax for fire purposes.

S. No. 214; To incorporate the town of Haysville, in Ashland county.

H. No. 133; To amend the act entitled an act to institute proceedings against corporations not possessing banking powers and the visitatorial powers of courts, and regulating corporations generally.

Ordered that the titles be as aforesaid.

The following bills were read a third time:

S. No. 135; To amend the act entitled an act relating to wills, passed March 23, 1840, and for other purposes.

Referred to a select committee of one—Mr. Goddard.

H. No. 252; To confirm the charter of the Covington and Cincinnati Bridge company, incorporated by the General Assembly of Kentucky, passed Feb. 17, 1846, with certain limitations.

Referred to a select committee of two—Messrs. Dubbs and Ewing.

The following bills were read a third time:

S. No. 157; To incorporate the Columbus, Chillicothe and Portsmouth Railroad company.

Referred to a select committee of two—Messrs. Dennison and Kendall.

S. No. 166; To lay out and establish the Port Lawrence and Springfield Free Turnpike Road.

Referred to a select committee of one—Mr. Ankeny.

S. No. 204; To amend the act entitled an act fixing the times of holding the court of common pleas in the 11th judicial circuit, passed Feb. 7, 1848.

Referred to a select committee of one—Mr. Burns.

H. No. 149; To repeal the act to lay out and establish the Mt. Vernon, Bennington and Delaware Free Turnpike Road.

Referred to a select committee of two—Messrs. Dimmock and Denison.

H. No. 150; To impose an additional tax for the improvement of the Maumee and Angola Road.

Referred to a select committee of one—Mr. Scott.

Mr. Goddard, on leave, from the select committee to which was referred S. No. 135, reported the same back with sundry amendments, which were agreed to.

Said bill was then passed.

Ordered that the titles be as aforesaid.

Mr. Archbold, on leave, from the select committee to which was referred H. No. 35, to incorporate the Savings Fund Society of Woodfield, reported the same back with sundry amendments, which were agreed to.

Said bill was ordered to be engrossed and read a third time tomorrow.

Mr. Burns, on leave, from the select committee to which was referred S. No. 204, reported the same back.

Said bill was then passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, to which the concurrence of the Senate is requested:

Relative to furnishing statutes to certain counties.

Attest:

STANLEY MATTHEWS, Clerk.

House resolution was referred to the committee on the Library.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, in which the concurrence of the Senate is requested:

Relative to furnishing the counties of Gallia and Jackson with Ohio Reports.

Attest:

STANLEY MATTHEWS, Clerk.

Referred to the committee on the Library.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

H. No. 58; To amend an act to incorporate the town of Franklin, in the county of Warren, and to repeal all laws heretofore enacted on that subject, passed Feb. 8, 1848.

H. No. 95; To authorize the sale of school lands belonging to Union township (fractional,) Champaign county.

H. No. 103; To incorporate the Northern Fire Company of Cincinnati.

H. No. 248; To authorize the commissioners of Marion county to subscribe stock in railroad companies.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House recedes from its disagreement to Senate amendment to H. No. 107, to extend the Monroeville Plank Road company to the town of Elyria, in Lorain county.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 332; Concerning the Commercial Hospital and Lunatic Asylum of Ohio.

H. No. 333; To incorporate the Clifton, Cedarville and Jamestown Turnpike Road company.

H. No. 334; To incorporate the Warren and Gustavus Plank Road company in Trumbull county.

H. No. 335; To incorporate the Hamilton and Mason turnpike road company.

H. No. 336; To incorporate the Methodist Episcopal church in the town of Tarleton, in Pickaway county.

H. No. 337 ; To incorporate the town of New Burlington, in the counties of Clinton and Greene.

H. No. 338 ; To establish grades and enforce the improvement of streets, roads and alleys in the southeastern part of Millcreek township, Hamilton county.

H. No. 339 ; To incorporate the Sidney Lodge No. 60, of the Independent Order of Odd Fellows.

H. No. 340 ; To aid the Ohio and Mississippi railroad company.

H. No. 341 ; To incorporate the Miami and Toledo plank road company.

H. No. 342 ; To incorporate the Middleport and Rutland plank road company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to H. No. 40 ; Prescribing the times of holding the courts of common pleas in the sixteenth judicial circuit.

With amendments, in which the concurrence of the Senate is requested.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to Senate amendments were agreed to.

Mr. Goddard gave notice that to-morrow or some subsequent day of the session, he would ask leave to introduce a bill recognising the New Orleans and Ohio telegraph company a body corporate and politic within the State of Ohio.

Mr. Kendall, in accordance with previous notice, introduced the following bill :

S. No. 232 ; To incorporate the iron railroad company.

Mr. Dennison, in accordance with previous notice, introduced the following bills :

S. No. 233 ; To amend the act entitled an act to incorporate the State Bank of Ohio and other banking companies, passed February 24, 1845.

S. No. 234 ; To incorporate the Columbus horticultural society.

Mr. Wilson, from the committee on the Militia, introduced the following bill :

S. No. 235 ; To organize the county of Ashland a separate brigade.
Said bills were read the first time.

Mr. Backus gave notice that to-morrow or some subsequent day of the session, he should ask leave to introduce a bill to incorporate the society for Savings in the city of Cleveland.

Also a bill in relation to the compensation of jurors in Cuyahoga county.

Also a bill to reduce the number of jurors to be summoned on coroners' juries.

On motion of Mr. Conklin,

The remonstrances of J. Hedges and others relative to the incorporation of New Fort Ball, were taken up and referred to the committee on Corporations.

On motion of Mr. Goddard,

The remonstrances relative to the new counties of Walhonding and Orange were taken up and the petitioners had leave to withdraw their papers.

Mr. Dubbs gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to aid the Ohio and Mississippi railroad company.

On motion of Mr. Beaver,

The motion was taken up and the vote was reconsidered on H. No. 23; To authorize the administrator of William S. Tracy, deceased, to complete real contracts, by which the bill was lost on its passage.

Said bill was then passed.

Ordered that the title be as aforesaid.

On motion of Mr. Byers,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Blake in the chair, and after some time spent therein, rose and reported back the following bills:

H. No. 217; To authorize the sale of section sixteen, in Madison township, Williams county.

Referred to the committee on Schools and School Lands.

H. No. 169; To authorize the Governor, on behalf of the State of Ohio, to make a conveyance of certain lands in Summit county belonging to said State.

Referred to the standing committee on the Judiciary.

H. No. 221; To incorporate the German Evangelical Lutheran and German Reformed United Protestant Congregation of Seneca township, Seneca county, Ohio.

H. No. 80; To incorporate the town of Wapakonnetta, in the county of Auglaize, with an amendment. Agreed to.

H. No. 236; To incorporate the Ripley and Locust Grove turnpike company.

Referred to the committee on Corporations.

H. No. 173; To authorize the sale of the south part of school section twenty-four, granted to Washington township, (now in Morrow county.)

Referred to the committee on Schools and School Lands.

H. No. 174; To amend an act entitled an act to incorporate the Dayton and Xenia turnpike road company, passed February 28, 1845.

Referred to the committee on railroads and turnpikes.

H. No. 176; To amend the act to incorporate the city of Sandusky, in Erie county, and for other purposes; passed March 6, 1845.

H. No. 92; To amend the act entitled an act further to amend the

act entitled an act to incorporate the town of Painesville, passed Feb. 8, 1847.

Referred to the committee on corporations.

H. No. 181; To repeal the act entitled an act to lay out and establish a free turnpike road from Delaware in Delaware county, to Kenton, in Hardin county; passed Feb. 8, 1848.

Referred to the committee on roads and highways.

H. No. 211; To lay out and establish a free turnpike road from the Middletown and West Alexandria turnpike to the West Elkton turnpike.

Referred to the committee on railroads and turnpikes.

H. No. 264; To fix the times for holding the courts of common pleas in the 8th judicial circuit.

Mr. Horton moved to refer the bill to a select committee of two.

Mr. Burns demanded the yeas and nays, which were ordered and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Wilson—14.

So the motion was lost.

The question being on ordering the bill to a third reading,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—14.

So the Senate refused to order the bill to a third reading.

H. No. 185; To incorporate the Dayton, Xenia and Water Vleit turnpike company.

Referred to the committee on railroads and turnpikes.

H. No. 177; To incorporate the Walnut street Baptist church of Cincinnati.

Referred to the committee on corporations.

H. No. 226; To incorporate the Sharon railroad company.

Referred to the committee on railroads and turnpikes.

H. No. 243; To amend the act passed February 24, 1848, entitled an act to amend the act entitled an act for the support and better reg-

ulation of common schools; and to create permanently the office of superintendent, passed March 9, 1838; and the acts amendatory thereto.

H. No. 286; To authorize Ashabel Chittenden to surrender the lease for and become the purchaser of the east half of the southwest quarter of school section sixteen in Scipio township, Seneca county, Ohio.

Referred to the select committee on schools and school lands.

S. No. 219; To regulate the granting of licences to taverns, porter houses and houses of entertainment in certain cases, in the city of Cleveland.

Ordered to be engrossed and read the third time on tomorrow.

S. 211: To amend the act allowing and regulating writs of attachment, passed January 17, 1824.

S. No. 209; To amend an act entitled an act regulating judgments and executions, passed March 4, 1831.

Referred to the committee on the judiciary.

S. No. 216; To incorporate the town of St. Mary's, in the county of Anglaize, and to repeal certain acts.

Ordered to be engrossed and read a third time tomorrow.

S. No. 213; To incorporate certain towns therein named.

Referred the committee on corporations.

S. No. 218; To amend the act incorporating the Chagrin Falls, and Cleveland plank road company.

Ordered to be engrossed and read a third time tomorrow.

S. No. 217; To amend the charter of the Hillsborough and Cincinnati railroad company.

Referred to the standing committee on Railroad and Turnpikes.

S. No. 221; To incorporate the Columbus and Groveport turnpike company.

Ordered to be engrossed and read a third time tomorrow.

S. No. 222; To incorporate the Bellevue, Monroeville, Norwalk and Bermingham Plank road company.

Referred to the committee on railroads and turnpikes.

S. No. 223; To authorize the county auditor of Holmes county to levy an additional tax for school purposes.

Referred to the committee on schools and school lands.

S. No. 224; To repeal the act to lay out and establish the Bennington and Mt. Gilead free turnpike road.

Referred to a select committee of one—Mr. Dennison.

On motion of Mr. Scott,

Resolved by the Senate and House of Representatives, That both branches of the General Assembly will meet in the hall of the House of Representatives on Wednesday, February 28th inst., at 3 o'clock P. M., and then and there proceed to elect,

Three associate judges for the county of Hancock; two of said judges to take the places of John Ewing and Mordecai Hammond, whose terms of service expire on the 10th day of March, A. D. 1849;

29—s. j.

and one to fill the vacancy occasioned by the resignation of William Roller.

One associate judge for the county of Putnam, to fill the vacancy occasioned by the expiration of the term of service of Silas McGlash.

One associate judge for the county of Wayne, to take the place of Thomas Robinson, whose term of service expires on the rising of this General Assembly.

One associate judge for Mercer county, to fill the vacancy occasioned by the death of Robert Lindsey.

One associate judge for Williams county, to fill the vacancy occasioned by the resignation of Thomas Kent.

Two associate judges for Adams county; One to take the place of Joseph Eyle, whose time of service expires on the 10th day of March, A. D. 1849; and one to fill the vacancy occasioned by the expiration of the time of service of Williams Robbins.

On motion of Mr. Archbold,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

WEDNESDAY, FEBRUARY 28, 1849.

Mr. Burns presented the petition of 178 citizens of Crawford and Richland counties, for a charter to construct a Plank Road from Bucyrus to Shelby, in Richland county.

Referred to a select committee of one—Mr. Burns,

Mr. Goddard from the committee on public works to which was referred Senate resolution relative to giving authority to keep up a dam across the Great Miami River in Miami county, reported the same back, and the resolution was agreed to.

Mr. Dennison from the committee on corporations to which was referred S. No. 87; to aid the Ohio and Mississippi Rail Road Company, reported the same back.

Referred to select committee of one—Mr. Dubbs.

Also, H. No. 80; To incorporate the town of Wapaukonnetta in the county of Auglaize.

Referred to a select committee of two—Messrs. Scott and Conklin.

Mr. Corwin from the same committee to which was referred S. No. 188; to authorize the town Council of Newark to subscribe to the capital stock of the Newark Plank Road Company, reported the same back.

Also, S. No. 192; To incorporate the Springfield Gas Light and Coke Company, reported the same back.

Said bills were ordered to be engrossed and read a third time to-morrow.

Also, S. No. 155; To incorporate the New England Hotel Company, reported the same back and recommended its passage.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Dennison, Goddard, Dubbs, Haines, Hendricks, Horton, Judy and Vinal—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Emrie, Evans, Graham, Lewis, Myers, Patterson, Scott, Wilson and Speaker—15.

So the Senate refused to pass the bill.

Mr. Goddard from the committee on public works to which was referred S. No. 212; in relation to the Miami Canal, the Miami Extension, and the Wabash and Erie Canal, reported the same back.

Said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Corwin from the committee to which was referred H. No. 157; to extend the corporate limits of the city of Cincinnati, reported the same back and recommended its indefinite postponement.

Mr. Wilson moved a call of the Senate which was ordered, and Messrs. Bennett, Chase, Corwin, Ewing, Kendall, Swift, Whitman and Worcester, were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

After some further debate

The question being on the indefinite postponement of the bill,

Mr. Ankeny moved a call of the Senate which was ordered, and Messrs. Bennett, Chase, Ewing, Goddard, Hendricks, Kendall, Swift, Whitman and Worcester, were absent.

On motion,

Messrs. Bennett, Chase, Ewing, Kendall, Swift, Whitman and Worcester, were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the indefinite postponement of the bill,

Mr. Dubbs demanded the yeas and nays which were ordered, and resulted—yeas 12, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Lewis, Vinal and Speaker—12.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Wilson—16.

So the motion was lost.

Mr. Dubbs moved to refer the bill to a select committee of one.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Lewis, Vinal and Speaker—14.

So the motion was lost.

The question being on ordering the bill to a third reading.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Lewis, Vinal and Speaker—14.

So the Senate refused to order the bill to a third reading.

Mr. Byers from the committee on the Library to which was referred House joint resolutions relative to furnishing certain counties with the Ohio Reports, reported the same back and recommended the indefinite postponement of said resolutions,

Which were agreed to.

Mr. Vinal from the standing committee on claims, made the following report:

The standing committee on claims to which was referred a bill for sundries furnished for the use of the Senate by James A. Aston, report that they have examined the same and find it correct. They offer for adoption the following resolution:

Resolved, That there be allowed to James A. Aston the sum of seven dollars and ninety two cents, the amount of his bill of sundries, herewith rendered, and that provision for the same be made in the general appropriation bill.

On motion of Mr. Goddard,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question on agreeing to the report of the committee on claims,
Was agreed to.

Mr. Blake on leave, gave notice that on to-morrow or some subsequent day of the present session, he would ask leave to introduce a bill to amend the act for the support and better regulation of common schools in the town of Akron, passed February 8, 1847, and the acts amendatory thereto.

Mr. Wilson from the committee on schools and school lands to which was referred H. No. 166; to authorize the sale of a part of school section sixteen, in Smithfield township, Jefferson county, reported the same back.

Said bill was then read a third time and passed.

Ordered that the title be as aforesaid.

The same gentleman from the same committee to which was referred H. No. 236; to authorize Asahel Chittenden to surrender the lease for and become the purchaser of school section sixteen in Seneca township, Seneca county, reported the same back.

Recommitted to the same committee.

Mr. Conklin (on leave) gave notice that on to-morrow or some subsequent day of the present term, he would on leave introduce a bill to authorize subscriptions to the capital stock of the Bellefontaine and Western Railroad Company, on the part of towns and townships along the line of said road.

On motion of Mr. Emrie,

The rules were suspended so as to take up Messages from the House:

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to Senate joint resolution relative to going into certain elections.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The Hall of the House is now ready for the acceptance of the Senate for the purpose of going into certain elections, pursuant to joint resolution.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Corwin moved a call of the Senate which was ordered, and Messrs. Bennett, Chase, Ewing, Hendricks, Kendall, Myers, Swift, Whisman and Worcester, were absent.

On motion,

All further proceedings under the call were dispensed with.

Mr. Anthony moved that Senate proceed to the Hall of the House of Representatives.

Mr. Backus demanded the yeas and nays thereon which was ordered and resulted—yeas 17, nays 7, as follows.

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Dennison, Dimmock, Dubbe, Emrie, Evans, Judy, Patterson, Scott, Wilson and Speaker—17.

Those who voted in the negative, were

Messrs. Backus, Conklin, Goddard, Haines, Horton, Lewis and Vinal—7.

So the motion was agreed to.

The Senators, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and being seated within the bar, both branches of the General Assembly then, in pursuance of a joint resolution heretofore adopted,

A call of the Senate was ordered, and Messrs. Bennett, Chase, Ewing, Hendricks, Kendall, Swift, Whitman and Worcester, were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The two Houses then proceeded to ballot for one associate judge for Hancock county, in the place of John Ewing, with the following result:

John Cooper received.....	49 votes
Frederick Henderson.....	17 "
E. M. Prentice.....	2 "
Blanks.....	21 "

John Cooper having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge for the county of Hancock, to take the place of John Ewing, for the constitutional term of seven years, from and after the 10th day of March 1849.

The two Houses next proceeded to elect an associate judge for Hancock county, to take the place of Mordecai Hammond, with the following result:

Gamaliel C. Barnd received.....	49 votes
Hiram Cox.....	19 "
Blanks.....	20 "

Gamaliel C. Barnd having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge for the county of Hancock, in the place of Mordecai Hammond, for the constitutional term of seven years, from and after the 10th day of March, 1849.

The two Houses next proceeded to elect one associate judge for Hancock county, to take the place of William Roller, resigned, with the following result:

Michael Price received.....	49 votes
John W. McGaughey.....	25 "
Blanks.....	12 "

Michael Price having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge for the county of Hancock, for the constitutional term of seven years, from and after the 28th day February, 1849.

The two Houses next proceeded to elect an associate judge for the county of Putnam, with the following result:

John W. Watters received.....	49 votes
Blanks and scattering.....	37 "

John W. Watters having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected associate judge for the county of Putnam, for the constitutional term of seven years, from and after the 28th day of February, 1849.

The two Houses next proceeded to elect one associate judge for the county of Wayne, with the following result:

James Swart received.....	45 votes
Thomas Robeson.....	22 "
William McCurdy.....	17 "

James Swart having received a majority of all the votes given, was, by the Speaker of the Senate, in presence of both Houses, declared to be duly elected an associate judge for the county of Wayne, for the constitutional term of seven years, from and after the rising of the present General Assembly.

The two Houses next proceeded to elect one associate judge for the county of Mercer.

George W. Rodebaugh received.....	43 votes
Blanks.....	37 "

George W. Rodebaugh having received a majority of all the votes given, was, by the Speaker of the Senate, in presence of both Houses, declared to be duly elected an associate judge for the county of Mercer, for the constitutional term of seven years, from and after the 28th day of February, 1849.

The two Houses next proceeded to elect one associate judge for the county of Williams, with the following result:

William M. Stubbs received.....	46 votes
Blanks.....	32 "

William M. Stubbs having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Williams, for the constitutional term of seven years, from and after the 28th day of February, 1849.

The two Houses next proceeded to elect one associate judge for the county of Adams, to take the place of Joseph Eyer, with the following result:

Thomas J. Lockhart received.....	44 votes
Reuben D. Glasgow.....	24 "
Blanks.....	10 "

Thomas J. Lockhart having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared to be duly elected an associate judge for the county of Adams, for the constitutional term of seven years, from and after the 10th day of March, 1849.

The two Houses next proceeded to elect one associate judge for the county of Adams, to take the place of William Robbins, with the following result:

Thomas Foster received.....	45 votes
John Pennyright.....	18 "
Blanks.....	14 "

Thomas Foster having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected an associate judge for the county of Adams, for the constitutional term of seven years, from and after the 28th day of February, 1849.

The Senators then retired to their chamber.

Mr. Burns, on leave, presented the petition of Nathan Evans and others, of Waynesville, Ohio, for land reform and homestead exemption.

Laid on the table.

Mr. Conklin, from the committee on the Currency, to which was referred S. 139: To change the City Bank of Cincinnati into a branch of the State Bank of Ohio, reported the same back, and the bill was

Referred to a select committee of one—Mr. Conklin.

Mr. Blockson, from the committee on railroads and turnpikes, to which was referred S. 185: To amend and reduce into one the several acts relating to the Cincinnati, Hamilton and Dayton railroad company, reported the same back.

Referred to a select committee of one—Mr. Dubbs.

Also S. No. 217; To amend the charter of the Hillsboro and Cincinnati Railroad company, reported the same back.

Also S. No. 222; To incorporate Bellevue, Monroeville, Norwalk and Birmingham Plank Road company, reported the same back.

Said bills were ordered to be engrossed and read a third time tomorrow.

Also H. No. 174; To amend an act entitled an act to incorporate the Dayton and Xenia Turnpike company, passed February 28, 1845, reported the same back with one amendment, which was agreed to.

Also H. No. 185; To incorporate the Dayton, Xenia and Water-
vleit Turnpike company.

Also H. No. 211; To lay out and establish a free turnpike road from the Middleton and West Alexander Turnpike to the West Elkton turnpike.

Also H. No. 226; To incorporate the Sharon Railroad company, reported the same back and recommended their being ordered to a third reading, which was agreed to.

Said bills were ordered to a third reading to-morrow.

Mr. Goddard, from the committee on public lands, to which was referred S. No. 158; To establish a land office at Defiance, and to abolish the land offices at Lima and Perrysburg, reported the same back with one amendment.

The question being on agreeing to the amendment,

Mr. Scott demanded the yeas and nays thereon, which were ordered and resulted yeas 14, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Lewis, Vinal, Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Patterson, Scott and Wilson—13.

So the amendment was agreed to.

Mr. Conklin moved to strike out "Defiance" wherever it occurred in the bill, and insert "section ten."

The same gentleman demanded the yeas and nays, which were ordered and resulted yeas 9, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Blake, Conklin, Corwin, Dennison, Horton, Judy, Lewis and Speaker—9.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Scott, Vinal and Wilson—16.

So the motion was lost.

The question being on ordering the bill to be engrossed, Mr. Scott demanded the yeas and nays thereon, which were ordered and resulted yeas 20, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blocksum, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Horton, Lewis, Scott, Vinal, Wilson and Speaker—20.

Those who voted in the negative, were

Messrs. Blake, Conklin, Corwin, Dennison and Judy—5.

So the bill was ordered to be engrossed and read a third time tomorrow.

On motion of Mr. Goddard,

The rules were suspended.

Mr. Backus, in accordance with previous notice, introduced the following bill:

S. No. 236; To authorize the Canal Fund Commissioners to exchange certain certificates of the funded debt of this State.

S. No. 237; In relation to the fees of grand and petit jurors in Cuyahoga county.

S. No. 238; In relation to coroner's juries.

S. No. 239; To incorporate the Society for Savings in the city of Cleveland.

Said bills were read the first time.

Mr. Vinal from the standing committee on enrollment made the following report:

The standing committee on enrollment report that that they have examined an act to amend an act entitled an act to lay out and establish a graded state road in the county of Meigs, Gallia and Jackson, passed January 28, 1848, and find the same correctly enrolled.

On motion of Mr. Goddard.

The Senate adjourned.

Attest:

JOHN B. KNAPP, Jr., Clerk.

THURSDAY, MARCH 1, 1849.

Prayer by Rev. Dr. Hoge.

Mr. Bennett presented the petition of sundry citizens of Jefferson township, Tuscarawas county, for the incorporation of a Church therein named.

Referred to the standing committee on corporations.

Mr. Horton presented the memorial of John T. Caldwell and 43

other voters of Meigs county, whigs and democrats, against the election of Charles F. Conaway as associate judge, and recommending that William Alexander may be elected.

Mr. Byers presented two petitions from sundry citizens of Wayne county, for the election of John Larwill an associate judge of said county.

Also the petition of sundry citizens of the same county, for the election of James Swart for the same office.

Said petitions were laid upon the table.

Mr. Burns presented the petition of 31 citizens of Perry and Troy townships, Richland county, that sections 28 and 33, Troy township, Morrow county, be attached to Richland county.

Referred to a select committee of one—Mr. Burns.

Mr. Dubbs presented the petition of William Y. Enmitt and 57 other citizens of Warren, Clermont and Hamilton counties, for a resolution requiring all turnpike and bridge companies to allow clergymen to pass through free of toll, when filling their appointments.

Referred to a select committee of one—Mr. Dubbs.

Mr. Kendall presented the petition of 31 citizens of Scioto county, for a law to authorize the county commissioners to subscribe to the Scioto and Hocking Valley Railroad.

Mr. Backus presented the petition of N. Edson and 26 other citizens of Cuyahoga county, for power to the county commissioners to loan to the Rockport Plank Road company the sum of \$6000, to construct a bridge across Rocky River.

Said petitions were laid on the table.

Mr. Bennett, from the committee on Medical Colleges and Societies, to which was referred H. No. 118; Further to amend an act entitled an act to establish a Commercial Hospital and Lunatic Asylum for the State of Ohio, passed January 22, 1821, reported the bill back with one amendment, and made the following report:

(*See Appendix, p. 161.*)

The report was laid on the table to be printed, and the bill with the pending amendment were referred to a select committee of one—Mr. Beaver.

Mr. Corwin, from the committee on corporations, to which was referred S. No. 213; To incorporate certain towns therein named, reported the same back with one amendment.

Said bill was ordered to be engrossed.

Also H. No. 176; To amend the act to incorporate the city of Sandusky, in Erie county, and for other purposes, passed March 6, 1845.

Also H. No. 221; To incorporate the German Evangelical Lutheran and German Reformed United Protestant Congregation of Seneca county.

Also-H. No. 92; To amend the act entitled an act further to amend the act entitled an act to incorporate the town of Painesville, passed February 8, 1847.

Also H. No. 177; To incorporate the Walnut Street Baptist Church of Cincinnati, reported the same back.

Said bills were severally ordered to be read a third time to-morrow.

Also H. No. 236; To incorporate Ripley and Locust Grove Turnpike company, reported the same back.

Referred to the committee on railroads and turnpikes.

Also, S. No. 186; To incorporate the town of Lockland, in the county of Hamilton, reported the same back and recommended its indefinite postponement, which was agreed to.

Said bill was indefinitely postponed.

Also, S. No. 146; To incorporate the town of New Fort Ball, in the county of Seneca, reported the same back.

Said bill was referred to a select committee of two—Messrs. Wilson and Conklin.

Mr. Vinal, from the committee on Claims to which was referred the petition of J. L. Reynolds, for compensation for damages from the Sip-po reservoir, made the following report and resolution, which were agreed to.

(See Appendix, p. 377.)

Resolved, That the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his papers.

Mr. Blocksom, from the committee on Railroads and Turnpikes, to which was referred H. No. 123; To amend the act, passed March 5, 1842, entitled "an act to regulate the mode of collecting debts against turnpike companies, in which the state is a stockholder, reported the same back.

Referred to the committee on the Judiciary.

Mr. Myers, from the committee on Roads and Highways, to which was referred H. No. 181; To repeal part of the act entitled "an act to lay out and establish a free turnpike road from Delaware, in Delaware county, to Kenton, in Hardin county," passed Feb. 8, 1848, reported the same back.

Mr. Wilson, from the committee on Schools and School Lands, to which was referred S. No. 223, To authorize the county Auditor of Holmes county to levy an additional tax on property in school district No. 9, for school purposes, reported the same back.

Said bill was ordered to be engrossed.

Also, H. No. 173; To authorize the sale of the south half of school section 24 granted to Washington township, (now in Morrow county.)

Also, H. No. 217; To authorize the sale of section 16, in Madison township, Williams county, reported said bills back, and they were ordered to be read a third time to-morrow.

Also, the same committee introduced the following bill:

S. No. 241; To extend the time of payment for the north-west-quarter of section 16, Perry township, Morrow county.

Said bill was read the first time.

Mr. Scott, from the select committee to which was referred H. No.

150; To impose an additional tax for the improvement of the Maumee and Angola road, reported the same back.

Said bill was then passed.

Ordered, that the title be as aforesaid.

The same gentleman, from the same committee, to which was referred H. No. 80; To incorporate the town of Wapakonnetta, in the county of Auglaise, reported the same back and recommended its being ordered to a third reading.

Mr. Conklin moved to strike out all of section 3, after the word eight, in the 7th line.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted yeas 16, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Blake, Claypool, Conklin, Corwin, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Vinal and Speaker—16.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott and Wilson—12.

So the amendment was agreed to.

Said bill was ordered to a third reading to-morrow.

Mr. Ankeny, from the select committee to which was referred S. No. 166; To lay out and establish the Port Lawrence and Springfield free turnpike road, reported the same back with amendment, and the bill was passed.

Ordered, that the title be as aforesaid.

Mr. Conklin, from the select committee to which was referred S. No. 45; To lay out and establish a free turnpike road from Sidney to St. Marys, reported the same back, and the bill was ordered to a third reading to-morrow.

Mr. Bennett, from the select committee, introduced the following bill:

S. No. 242; To incorporate the New Philadelphia, Leesburgh and Cadiz Plank Road Company.

Said bill was read the first time.

Mr. Goddard, from the select committee to which was referred S. No. 210; To amend an act, passed February 25, 1848, entitled an act directing the mode of proceeding in chancery, passed March 14, 1831, reported the same back with amendments, which were agreed to.

Said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Dennison, from the committee on Universities and Academies, to which was referred the annual report of the Trustees of the Ohio University, reported the same back.

Laid on the table.

Mr. Conklin, from the select committee to which was referred S. No. 139; To change the City Bank of Cincinnati into a branch of the State Bank of Ohio, reported the same back with one amendment, as follows:

Sec. 6. That the stockholders of the Dayton Bank, at Dayton, be and are hereby authorized to change their said bank into a branch of the State Bank of Ohio, and as such to do business by the name and title of the Farmer's branch Bank of Dayton; and all the provisions, restrictions and liabilities of the foregoing sections of this act shall apply to the said Farmer's branch Bank at Dayton.

The question being on agreeing to the amendment,

Mr. Myers moved a call of the Senate, which was ordered, and Messrs. Bennett, Chase, Ewing, Hendricks, Kendall, Swift, Whitman and Worcester were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Burns,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on agreeing to the amendment to S. No. 139,

Mr. Myers moved a call of the Senate, which was ordered and Messrs. Archbold, Bennett, Blake, Chase, Ewing, Hendricks, Kendall, Swift, Whitman and Worcester were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on agreeing to the amendment,

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted yeas 11, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Lewis and Vinal—11.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Blocksom, Burns, Byers, Dimmock Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Willson and Speaker—15.

So the amendment was disagreed to.

Mr. Dennison moved to amend the bill as follows:

That the capital stock of said bank shall be placed on the duplicate of Hamilton county for taxation for all purposes; and that said bank shall pay, on its capital stock, taxes for state, canal, county, school, township, city and all other purposes from and after the acceptance by said bank of this act.

Mr. Byers moved to amend the amendment as follows:

Strike out the words "said bank," and insert "all the banks of the state."

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted yeas 12, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Wilson—12.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Lewis, Vinal and Speaker—14.
So the amendment to the amendment was disagreed to.

Mr. Myers moved to amend the amendment as follows:

Strike out "capital stock," where it occurs, and insert "notes and bills discounted."

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Lewis, Vinal and Speaker—14.

So the motion was lost.

The question then recurring on agreeing to the amendment,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 22, nays 6, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Burns, Byers, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Horton, Judy, Lewis, Myers, Patterson, Scott, Wilson and Speaker—22.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom and Vinal—6.

So the amendment was agreed to.

The question then being on ordering the bill to be engrossed,

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted yeas 9, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy and Vinal—9.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Wilson and Speaker—18.

So the Senate refused to order the bill to be engrossed.

The following bills were read a second time, committed to the committee of the whole Senate and made the order of the day for this day:

S. No. 232; To incorporate the Iron Railroad Company.

S. No. 233; To amend the act entitled "an act to incorporate the State Bank of Ohio, and other banking companies," passed Feb. 24, 1845.

S. No. 234; To incorporate the Columbus Horticultural Society.

S. No. 235; To organize the county of Ashland a separate brigade.

S. No. 236; To authorize the canal fund commissioners to exchange certain certificates of the funded debt of the state.

S. No. 237; In relation to the fees of grand and petit jurors in Cuyahoga county.

S. No. 238; In relation to coroners juries.

S. No. 239; To incorporate the society for savings in the city of Cleveland.

The following bills were read a third time and passed:

S. No. 34; To amend the act relating to juries.

S. No. 184; To incorporate the Delaware, Marysville, Milford, Mechanicsburg and Springfield Railroad Company.

S. No. 194; To amend an act entitled "an act to incorporate the Milville, Reily and Milton Turnpike Company."

S. No. 198; To amend the act entitled an act to incorporate the Bellefontaine and Indiana Railroad Company," passed February 22, 1848.

S. No. 201; To authorize the establishment of a poor house and hospital by the city of Cleveland.

S. No. 207; To establish a free turnpike road from New Paris to New Westerville, in Preble county.

S. No. 221; To incorporate the Columbus and Groveport Turnpike Company.

S. No. 192; To incorporate the Springfield Gaslight and Coke Company.

S. No. 188; To authorize the town council of Newark to subscribe to the capital stock of the Newark Plank Road Company.

S. No. 212; In relation to the Miami canal, the Miami extension and the Wabash and Erie canal.

S. No. 217; To amend the charter of the Hillsboro and Cincinnati Railroad Company.

S. No. 158; To establish a land office at Defiance.

H. No. 35; To incorporate the Savings Fund Society of Woodfield.

Ordered, that the titles be as aforesaid.

The following bills were read a third time:

S. No. 3; Granting to actual settlers the unsold and unappropriated lands belonging to the state of Ohio.

Referred to a select committee of three—Messrs. Archbold, Beaver and Myers.

S. No. 69; To authorize county surveyors to take acknowledgment of deeds, &c.

The question being, "Shall the bill pass?"

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 15, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Beaver, Blake, Burns, Dennison, Dimmock, Emrie, Evans, Graham, Haines, Judy, Lewis, Myers, Patterson and Scott—15.

Those who voted in the negative were,

Messrs. Ankeny, Backus, Blocksom, Claypool, Conklin, Corwin, Dubbs, Horton, Patterson, Vinal, Wilson and Speaker—12.

So the bill was passed.

Ordered that the title be as aforesaid.

S. No. 162; Further to amend the act incorporating the Wayne, Medina and Cuyahoga Turnpike Company.

Referred to a select committee of one—Mr. Byers.

S. No. 189; To repeal the proviso to the 41st section of the act for the punishment of crime.

Referred to a select committee of one—Mr. Wilson.

S. No. 200; To extend the corporate limits of the town of Medina, in the county of Medina.

Referred to a select committee of one—Mr. Blake.

S. No. 163; To repeal the fifth section of an act entitled "an act to authorize County Commissioners of this State to lay out and establish State roads.

The question being "shall the bill pass?"

Mr. Scott demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Blocksom, Claypool, Corwin, Dennison, Evans, Goddard, Haines, Horton, Judy, Lewis, Myers, Patterson, Vinal, and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Burns, Byers, Dimmock, Emrie, Graham, Scott and Wilson—9.

So the bill was passed.

Ordered that the title be as aforesaid.

S. No. 196; To amend the act incorporating the Rockport plank road company, entitled an act to incorporate the Chagrin Falls and Cleveland plank road company, and for other purposes.

S. No. 218; To amend the act incorporating the Chagrin Falls and Cleveland plank road company.

Said bills were referred to the committee on railroads and turnpikes.

S. No. 216; To incorporate the town of St. Mary's in Anglaise county and to repeal certain acts.

Referred to the committee on corporations.

S. No. 219; To regulate the granting of licenses to taverns, porter houses and houses of entertainment in certain cases, in the city of Cleveland.

The question being, Shall the bill pass?

Mr. Lewis demanded the yeas and nays thereon which were ordered and resulted—yeas 15, nays 10, as follows;

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Blocksom, Conklin, Corwin, Den-nisen, Dimmock, Dubbs, Evans, Goddard Haines, Horton, Kendall, Myers, Vinal,—15.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Burns, Byers, Claypool, Emrie, Gra-ham, Lewis, Patterson, Scott, and Wilson—11.

So the bill was passed.

Ordered that the title be as aforesaid.

S. No. 222; To incorporate the Bellevue, Monroeville, Norwalk and Birmingham plank road company.

Referred to a select committee of one, Mr. Burns.

The Speaker laid before the Senate the special report of the Govern-or with the 12th annual report of the board of public works.

Also the special report of the Engineers of the national road.

[*See Vol. Pub. Doc.*]

Laid on the table to be printed.

On motion

The Senate adjourned.

Attest;

JOHN R. KNAPP, JR., Clerk.

FRIDAY, MARCH 2, 1849.

Mr. Wilson, from the committee on Schools and School Lands, to which was referred H. No. 243; To amend an act passed February 24, 1848, entitled an act to amend the act entitled an act for the sup-port and better regulation of common schools and to create permanently the office of superintendent, reported the same back with an amend-ment, which was agreed to.

Also H. No. 286; To authorize Ashbel Chittenden to surrender the lease for and become the purchaser of, the east half of the southwest quarter of school section sixteen in Scipio township, Seneca county.

Said bills were ordered to a third reading to-morrow.

Mr. Corwin, from the committee on Corporations, introduced the following bill:

S. No. 243; To amend the several acts incorporating turnpike com-panies in this State.

Said bill was read the first time.

Mr. Goddard, from the committee on Public Works, to which was referred the petition of citizens of Newark, asking to make the north

fork feeder navigable, reported the same back and asked to be discharged from the subject, and that the petitioners have leave to withdraw their papers; agreed to.

Mr. Vinal, from the committee on Enrollment, made the following report:

The standing committee on Enrollment, report that they have examined the following acts and find the same correctly enrolled:

An act to establish a free turnpike road from Sugar Valley to Camden, in Preble county.

An act to establish a free turnpike road from Eaton, in Preble county, by way of West Florence, and thence west on the Boston State road to the Indiana State line.

An act to authorize the sale of school section sixteen, in Monroe township, Preble county.

An act to incorporate the Scioto Valley railroad company.

An act to amend an act entitled an act to incorporate the Bellefontaine and Indiana railroad company, passed February 26, 1848.

An act to amend the act to incorporate the Ross county turnpike company, passed February 19, 1848.

An act to establish a free turnpike road from Carrollton, in Montgomery county, by way of Farmersville, Dunkirk church, and Demeston's Mills, to Eaton, in Preble county.

An act making Ophelia Piper the legal heir of Zadock Tillotson, of Medina county, and changing the name of said Ophelia Piper to Caroline Tillotson.

An act to incorporate the Conneaut and Youngstown plank road company.

An act to incorporate the Miller Academy.

An act in addition to an act in relation to incorporated religious societies, passed March 5, 1836.

Mr. Vinal, from the committee on Claims, to which was referred the petitions, &c., for the relief of Mad River and Lake Erie railroad company, reported the same back and asked to be discharged, and that said papers be referred to the committee on the Judiciary, which was agreed to.

Also the petition and depositions relative to the claim of Simpson & Springer for damages on Muskingum Improvement, reported the same back, asked to be discharged, and that the said papers be referred to the committee on Public Works; agreed to.

Also the papers relative to the claim of William Browning for damages, made the following report:

(See Appendix.)

Said papers and report were referred to the committee on the Judiciary.

Mr. Burns, from the select committee on the subject, introduced the following bills:

S. No. 244; To incorporate the Bucyrus and Shelby plank road company.

S. No. 245; To detach certain sections from Merrow county, and attach the same to Richland county.

Said bills were read the first time.

The same gentleman from the same committee to which was referred S. No. 222; To incorporate the Bellvue, Monroeville, Norwalk, and Birmingham plank road company reported the same back with two amendments, which were agreed to.

Mr. Blake, from the select committee to which was referred S. No. 200; To extend the corporate limits of the town of Medina in the county of Medina, reported the same back with two amendments which were agreed to.

Said bills were then passed.

Ordered that the titles be as aforesaid.

Mr. Goddard from the select committee to which was referred S. 199; To repeal an act passed Feb. 24, 1848, entitled "an act to amend an act to regulate the Militia," reported the same back and said bill was

Referred to the committee on the Militia.

Mr. Scott from the select committee to which was referred the communication from the Governor in relation to the Miami canal lands reported the same back.

Referred to the committee on public works and public lands.

Mr. Byers from the select committee to which was referred S. No. 162; Further to amend an act incorporating the Wayne, Medina and Cuyahoga turnpike company, reported the same back.

Mr. Wilson from the select committee to which was referred S. No. 187; To repeal the proviso to the forty-first section of the act for the punishment of crime reported the same back.

Said bills were then passed.

Ordered that the titles be as aforesaid.

The same gentleman from the select committee to which was referred S. No. 146: To incorporate the town of New Fort Ball, in Seneca county, reported the same back with amendments which were agreed to.

Mr. Conklin moved to recommit said bill to the select committee with instructions so to amend the bill as to include in the corporate limits of said town only the in and out lots thereof.

Mr. Byers demanded a division.

The question being on recommitting, was lost.

Said bill was ordered to be engrossed and read a third time tomorrow.

Mr. Goddard (on leave) from the committee on public works to which was referred the petition of Samuel Medary and others relative to tolls on the national road reported the same back, asked to be discharged and that the petitioners have leave to withdraw their petition. Agreed to.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. No. 241; To extend the time of payment for the north west quarter of section 16, Perry township, Morrow county.

S. No. 242; To incorporate the New Philadelphia, Leesburg and Cadiz plank road company.

S. No. 241, was referred to a select committee of one—Mr. Burns.

The following bills were read a third time and passed:

S. No. 210; To amend the several acts in relation to proceedings in chancery.

S. No. 213; To incorporate certain towns therein named.

S. No. 223; To authorize the county auditor of Holmes county to levy an additional tax on property in school district No. 9, Hardy township, for school house purposes.

H. No. 80; To incorporate the town of Wapakonnetta, in the county of Auglaize.

H. No. 92; To amend an act entitled an act further to amend the act entitled an act to incorporate the town of Painesville, passed Feb. 8, 1847.

H. No. 159; To incorporate the Maumee city plank road company.

H. No. 173; To authorize the sale of the south half of school section twenty four, granted to Washington township, now in Morrow county.

H. No. 174; To amend an act entitled an act to incorporate the Dayton and Xenia turnpike road company, passed Feb. 28, 1845.

H. No. 176; To amend the act to incorporate the city of Sandusky in Erie county; and for other purposes, passed March 6, 1845.

H. No. 177; To incorporate the Walnut street Baptist church of Cincinnati.

H. No. 181; To repeal part of the act entitled an act to lay out and establish a free turnpike road from Delaware in Delaware county, to Kenton in Hardin county, passed Feb. 8, 1848.

H. No. 185; To incorporate the Dayton, Xenia and Water Vliet turnpike company.

H. No. 211; To lay out and establish a free turnpike road from the Middletown and West Alexandria turnpike, to the West Elkton turnpike.

H. No. 217; To authorize the sale of section sixteen in Madison township, Williams county.

H. No. 221; To incorporate the German Evangelical Lutheran and German Reformed United Protestant congregation of Seneca township, Seneca county, Ohio.

H. No. 226; To incorporate the Sharon railroad company.

Ordered that the titles be as aforesaid.

Mr. Conklin on leave, from the select committee to which was referred S. No. 45; To lay out and establish a free turnpike road from Sidney to the line of Auglaize county, reported the same back.

Said bill was then passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills:

H. No. 32; To incorporate the Lower Sandusky plank road company.

H. No. 53; To provide for the punishment of an offence therein named.

H. No. 66; To incorporate the Oxford, Western and Connersville turnpike road company.

H. No. 67; To incorporate the town of Flushing, in Belmont county.

H. No. 69; To authorize the trustees of Portland township, Erie county, to borrow \$20,000, and subscribe the same as stock in plank roads.

H. No. 76; To incorporate the Lake Erie and Milan plank road company.

H. No. 108; To further amend the act entitled an act to regulate the practice of the judicial courts.

H. No. 114; To incorporate the town of St. Clairsville, in Belmont county.

H. No. 125; To amend the act entitled an act to incorporate the New Baltimore and New Haven turnpike and bridge company, passed February 8, 1847.

H. No. 132; To authorize county commissioners to allow guard fees in certain cases.

H. No. 138; To incorporate the Lewisburgh and Liberty Corner turnpike road company.

H. No. 147; To amend the act entitled an act prescribing the times of holding the courts of common pleas in the 14th judicial circuit, and for other purposes, passed Feb. 2, 1847.

H. No. 148; To incorporate the Columbus, Piqua and Indiana railroad company.

H. No. 154; To repeal the act establishing a turnpike gate in the town of Fulton, &c.

H. No. 165; To divide the town of St. Clairsville, Belmont county, into two school districts.

S. No. 183; To amend an act entitled an act to lay out and establish a graded state road in the counties of Meigs, Gallia and Jackson, passed January 28, 1848.

H. No. 184; In relation to the Urbana, Troy and Greenville turnpike road company.

H. No. 186; To incorporate the London and Lafayette turnpike company.

H. No. 187; For the relief of Amelius Hayden and William M. Folger.

H. No. 224; To lay out and establish the West Elkton free turnpike company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 240; To incorporate the Trumbull, Portage and Geauga plank road company.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed S. No. 174; Prescribing the times of holding the court of common pleas in the fifth judicial circuit.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has refused to pass the following bill:

S. No. 25; Authorising the town council of Akron to levy a tax to liquidate the debts due from said town.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following enrolled bills:

H. No. 64; To incorporate the Minster fire insurance association.

H. No. 107; To extend the Monroeville plank road company in the town of Elyria, in Lorain county.

H. No. 117; To amend the act to incorporate the Great Western railroad company.

H. No. 121; To incorporate the Little Miami bridge company.

H. No. 152; To amend an act passed February 8, 1847, entitled an act accepting the charter and franchises of the first range turnpike company in Ashtabula county; and declaring their said road a free turnpike road.

H. No. 162; To incorporate the Mt. Washington college in Hamilton county, Ohio.

H. No. 259; Granting to the trustees and principal teachers of Greenfield Seminary, in Highland county, authority to confer degrees and testimonials of attainments.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. No. 30; To amend the charter of the Huron and Oxford railroad company.

S. No. 183; To amend an act entitled an act to lay out and establish a graded state road in the counties of Meigs, Gallia and Jackson, passed January 28, 1848.

S. No. 103; To incorporate the Miller Academy.

H. No. 222; Repealing an act entitled an act incorporating the town of Benton, in the county of Crawford.

H. No. 29; To regulate proceedings before justices of the peace.

H. No. 310; To incorporate the Martinsville and Bridgeport free plank road company, in Belmont county; with an amendment.

Attest:

STANLEY MATTHEWS, Clerk.

House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

S. No. 93; To change the name of Elisabeth A. Degraw.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 205; To incorporate the Troy, Stanton and Loss Creek Turnpike Road company.

H. No. 207; To authorize the trustees of Upper Township, Lawrence county, to levy taxes for certain purposes.

H. No. 235; To incorporate the Dry Ridge Universalists Society of Green township, Hamilton county.

H. No. 241; To attach South and Middle Bass Islands to Erie.

H. No. 269; To incorporate the Bentonville and New Market Turnpike company.

H. No. 255; To repeal an act entitled an act to lay out and establish a free turnpike therein named.

H. No. 274; To incorporate the Elizabethtown and Clevestown Turnpike company.

H. No. 276; To authorize the trustees of Clay township, in Knox county, to redistrict said townships, for school purposes.

H. No. 288; To lay out and establish a free turnpike road from Defiance, in Defiance county, to the Indiana State line, at the point where the Fort Wayne road now crosses said State line, in the county of Paulding.

H. No. 290; To incorporate the Green and Mill Creek townships turnpike company.

The house has also passed the following Senate bills:

S. No. 48; To incorporate the Mansfield Fire company.

S. No. 109; To lay out and establish a graded state road in the counties of Washington and Morgan, with amendments.

Attest:

STANLEY MATTHEWS, Clerk.

S. No. 109, with House amendment, was referred to a select committee of one—Mr. Haines.

Said House bills were severally read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 158; To amend the several acts now in force to regulate the practice of the judicial courts.

H. No. 204; To incorporate the Miamisburg Western Free Turnpike Road.

H. No. 213; To amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendant, passed March 7, 1838.

H. No. 250; To lay out and establish a state road from Liberty township, in Putnam county, to the Van Buren, Independence and Ridgeville Free Turnpike road, in Henry county.

H. No. 257; To authorize the sale of the Northwest quarter of school section one, in Buck township, Hardin county.

H. No. 270; To authorize the sale of school lands in Elizabeth township, of Lawrence county, in this State, with an amendment.

H. No. 287; To extend the time for the payment of the purchase money of section 16, township No. 3, in U. S. R. Lucas county.

H. No. 305; To lay out and establish a state road in the counties of Athens, Jackson and Gallia.

H. No. 309; To amend the third section of an act passed February 24, 1848, entitled an act to incorporate the Great Western Railroad company.

Also the following Senate bills:

S. No. 95; To amend an act entitled an act to incorporate the Fireman's Insurance company of Cincinnati, passed January 9, 1832.

S. No. 190; To extend Market street in the town of Springfield.

S. No. 214; To incorporate the town of Haysville in Ashland county.

Attest:

STANLEY MATTHEWS, Clerk.

House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 169; To incorporate the Four Mile Valley Railroad company.

H. No. 197; To restore John Kidwell to his legal rights and privileges.

H. No. 249; To incorporate the Cincinnati, Batavia and Williamsburg Railroad company.

S. No. 35; Further to amend the act entitled an act to provide for the internal improvement of the State of Ohio by navigable canals.

S. No. 121; To amend an act entitled an act to incorporate the Dayton, Lebanon and Deerfield Railroad company, passed February 6, 1847, and an act amendatory thereto, passed February 14, 1848.

The House has also passed the following Senate joint resolution:
Relative to the claims of J. O. Cram and James Culbertson.

Attest:

STANLEY MATTHEWS, Clerk.

House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House of Representatives has passed the following joint resolutions, in which the concurrence of the Senate is requested:

Relative to the claims of H. S. Harmen and others.

Relative to the claims of Augustus Moore.

Attest:

STANLEY MATTHEWS, Clerk.

House joint resolution relative to Harmen's claim, was referred to the committee on public works.

Relative to Moore's claim to the committee on claims.

The Speaker laid before the Senate a special report from the Governor relative to international exchanges, by Alexander Vattemare.

(See Vol. Pub. Doc.)

Also a letter received from Mr. Vattemare,

Mr. Goddard presented a letter from the same gentleman.

Referred to a select committee of three—Messrs. Goddard, Dennison and Beaver.

Mr. Backus offered for adoption the following, which was agreed to—

WHEREAS, from the representations of a large number of the citizens of the township of Newburgh, in the county of Cuyahoga, from the statement of sundry physicians resident in said township and its vicinity, and from a survey and statement made by Ahas Merchant, Esq., county surveyor of said county, it appears that, by the elevation of the Ohio canal, where the same passes through said township, made some years since, a large tract of land, embracing some forty acres, became covered with water, and the land has thereby been rendered a permanent swamp incapable of drainage except by way of culverts constructed under said canal, by means of which submergence the health of the neighborhood for a large distance around has been materially impaired, and much inconvenience has been suffered by the citizens of said township, therefore,

Be it resolved by the General Assembly of the State of Ohio, That the Board of Public Works be and the same are hereby authorized and directed to cause such culverts to be constructed under the canal at the place above named, at as early a period as practicable, as shall be sufficient to restore the premises aforesaid to the condition they were in before the elevation of the canal as aforesaid.

Mr. Dennison offered for adoption the following, which was agreed to:

WHEREAS, the General Assembly did, on the 17th day of March, 1838, pass an act authorizing the Governor to lay out and sell the old Penitentiary lot in the city of Columbus, and whereas there is now pending a bill in this Senate to authorize the city council of Columbus to lay out streets and alleys on said lot, and whereas doubts exist as to the nature and extent of the rights of the State over said premises, and how far it is competent, under the grant of said property, for the State to sell the same, or to lay out streets and alleys over the same, therefore, be it

Resolved, That the Attorney General be and he is hereby instructed to examine the title of the State to said premises, and as soon as practicable report to this Senate his opinion as to the power of the State to sell said Penitentiary lot, as well as to the power to lay out and permanently establish streets and alleys in the same.

Mr. Goddard, in accordance with previous notice, introduced the following bill:

S. No. 240; Recognising the New Orleans and Ohio Telegraph company as a body corporate and politic within the State of Ohio.

Said bill was read the first time.

Mr. Dubbs gave notice that on to-morrow or some subsequent day of the present session he would ask leave to introduce a bill to amend the several acts relating to the Cincinnati, Hamilton and Dayton Railroad company.

On motion of Mr. Byers,

The following was adopted:

WHEREAS, on the 8th day of last month, the Senate passed the following resolution:

Resolved, That the Warden of the Ohio Penitentiary be requested to communicate to the Senate the compensation paid to the Warden, Clerks and other officers of said prison, for the past year, specifying the sum paid each per quarter, the amount of pay deducted from each per quarter for absence or sickness, and the time each has been absent by leave or otherwise.

And whereas no reply has been received in answer to the foregoing resolution, therefore,

Resolved, That said Warden be and is hereby directed to report to this Senate forthwith his reasons for not furnishing the information thereby called for.

Mr. Dennison (for Mr. Chase,) in accordance with previous notice, introduced the following bill:

S. No. 246; To appoint Herman B. Mayo trustee of Miami University.

Said bill was read the first time.

The constitutional rule was dispensed with and said bill was read the second and third time and referred to a select committee of one—Mr. Dennison.

Mr. Blake, in accordance with previous notice, introduced the following bill:

S. No. 247; To amend the act entitled an act for the better organization of public schools in cities, towns, &c., passed February 15, 1849.

Said bill was read the first time.

On motion of Mr. Blake,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Myers in the chair, and after some time spent therein, arose and reported back the following bills, some with and some without amendment:

S. No. 215; To amend an act entitled an act to abolish imprisonment for debt, passed March 19, 1838.

Referred to the committee on the Judiciary.

S. No. 220; To incorporate the Columbus and Worthington Plank Road or Turnpike company.

Referred to committee on Railroads and Turnpikes.

The Speaker laid before the Senate the special report of the Governor, relative to the decease of N. G. Luce, Associate Judge for Greene county.

(See Vol. Pub. Doc.)

Laid on the table.

On motion of Mr. Burns,

The Senate took a recess.

THREE O'CLOCK, P. M.

Mr. Scott offered for adoption the following:

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State is hereby directed to furnish one set of Chase's Statutes to the clerk of the court of common pleas of Auglaize county, for the use of said county.

On motion of Mr. Goddard,

The resolution was referred to the committee on the Library.

Mr. Vinal was excused from serving on the committee on Enrollment.

The Speaker appointed Mr. Hendricks as chairman of said committee.

On motion,

The Senate resolved itself into the committee of the whole, Mr. Lewis in the chair, on the orders of the day, and after some time spent therein, rose and reported the following bills, some with and some without amendments.

S. No. 225; More effectually to prevent the sale of lottery tickets in this state, with an amendment, agreed to.

Referred to the standing committee on the Judiciary.

S. No. 226; To amend an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7, 1838, and the acts amendatory thereto.

Referred to the committee on Schools and School Lands.

S. No. 227; Concerning the tax on lawyers and physicians, the tax on pedlars, auction duties and the tax on foreign insurance companies.

Mr. Vinal moved to strike out, "that one half of the net amount of the tax upon lawyers and physicians," and insert, "that the act to levy a tax on the income of practicing lawyers and physicians, passed February 22d, 1830, be and the same is hereby repealed."

Mr. Byers demanded the yeas and nays thereon, which were ordered, and resulted—yeas 17, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Blocksom, Burns, Conklin, Corwin, Emrie, Goddard, Hendricks, Horton, Kendall, Lewis, Myers, Vinal, Wilson and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Blake, Byers, Claypool, Dimmock, Dubbs, Evans, Graham, Haines, Judy, Patterson and Scott—12.

So the amendment was agreed to.

The bill was referred to the committee on Finance.

S. No. 228; Authorizing the commissioners of Scioto county to subscribe to the capital stock of the Scioto and Hocking Valley Rail Road company.

Ordered to be engrossed and read a third time to-morrow.

S. No. 229; To incorporate the Eaton and New Madison Plank Road company.

S. No. 230; For the relief of the Steubenville, Cadiz, and Cambridge McAdamized Road company.

S. No. 231; To amend the act entitled an act providing for the punishment of crimes, passed March 7, 1835.

Said bill was referred to the committee on the Judiciary.

S. No. 232; To incorporate the Iron Rail Road company.

Said bills were referred to the committee on Rail Roads and Turnpikes.

S. No. 233; To amend the act entitled an act to incorporate State Bank of Ohio and other banking companies, passed February 24, 1845, with one amendment.

Laid on the table.

S. No. 234; To incorporate the Columbus Horticultural Society.

S. No. 235; To organize the county of Ashland into a separate Brigade, with one amendment, which was agreed to.

Said bills were ordered to be engrossed and read a third time to-morrow.

Message from the House of Representatives.**Mr. Speaker:**

The House has passed the following joint resolution, in which the concurrence of the Senate is requested.

Relative to going into certain elections.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Myers moved to add "and one President of the Board of Public Works."

Mr. Burns moved a call of the Senate, which was ordered, and Messrs. Bennett, Chase, Dennison, Ewing, Swift, Whitman and Worcester were absent.

On motion,

All further proceedings under the call were dispensed with.

The question being on agreeing to the amendment, was agreed to.

The question then being on the resolution as amended,

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted—yeas 18, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Kendall, Myers, Patterson, Scott, Wilson and Speaker—18.

Those who voted in the negative, were

Messrs. Backus, Claypool, Conklin, Corwin, Geddard, Haines, Hendricks, Horton, Judy, Lewis, and Vinal—11.

So the resolution as amended was agreed to.

On motion,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Byers in the chair, and after some time spent therein, rose and reported the following bills, some with and some without amendments.

H. No. 178; Fixing the prices of printers for publishing the delinquent and forfeited lists, with amendments, which were agreed to.

Referred to the committee on public printing.

H. No. 180; To amend an act to incorporate the towns of Susanna and New Richmond, in the county of Clermont, and the acts amendatory thereto.

Referred to the committee on Corporations.

H. No. 195; To incorporate the Mad River and Miami Central Rail Road company.

H. No. 210; To amend an act entitled an act to incorporate the Franklin and Springborough Turnpike company, in Warren county.

Referred to the standing committee on Rail Roads and Turnpikes.

H. No. 261; To amend an act entitled an act to authorize the trustees of townships in certain counties to levy an additional road tax, passed February 22, 1848.

Referred to the standing committee on Roads and Highways.

Mr. Corwin offered for adoption the following:

Resolved by the Senate and House of Representatives, That it shall not be in order to introduce any new bill in either branch of this General Assembly after Tuesday, the sixth day of March, A. D. 1849.

Mr. Dimmock moved to strike out "March" and insert "April."

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted—yeas 3, nays 24, as follows:

Those who voted in the affirmative, were

Messrs. Byers, Dimmock and Scott—3.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Burns, Conklin, Corwin, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Myers, Patterson, Vinal and Speaker—24.

So the motion was lost.

The same gentleman moved to amend as follows:

That this legislature will adjourn immediately after the passage of a fair and equitable apportionment bill.

Mr. Goddard moved to amend the amendment as follows:

At the end of the amendment insert, "such as those passed in 1836 and 1840."

The same gentleman demanded the yeas and nays, which were ordered and resulted—yeas 10, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Claypool, Conklin, Corwin, Goddard, Haines, Hendricks, Horton, Kendall and Vinal—10.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Judy, Lewis, Myers, Patterson, Scott, Wilson and Speaker—18.

So the motion was lost.

Mr. Emrie offered the following as a substitute for the amendment:

That this General Assembly will adjourn *sine die* as soon as it shall have disposed of its proper and necessary business, decently and in order.

The Speaker decided the amendment and the amendments to the same, out of order.

The question then being on the original resolution,

Mr. Wilson moved a call of the Senate, which was ordered and Messrs. Bennett, Chase Dennison, Ewing, Swift Whitman and Worcester were absent.

On motion,

All further proceedings under the call were dispensed with.

The same gentleman moved that the Senate adjourn.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, and Speaker—14.

So the Senate refused to adjourn.

The question then recurred on agreeing to the resolution,

Mr. Corwin demands the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Wilson—14.

So the motion was lost.

On motion of Mr. Dimmock,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

SATURDAY, MARCH 3, 1849.

Mr. Hendricks presented the petition of W. W. Peck and others of Sandusky county, for a Plank Road from Lower Sandusky to Rollersville.

Referred to a select committee of one—Mr. Hendricks.

Mr. Whitman presented the remonstrance of sundry citizens of Fairfield county, against the sale of the Zanesville and Maysville Road, &c.

Laid on the table.

Mr. Wilson from the committee on schools and school lands to which was referred S. No. 226; to amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of Superintendent, passed March 7, 1838, and the acts amendatory thereto, reported the same back.

Said bills were severally ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Archbold,

The rules were suspended, and the same gentleman offered the following resolution:

Resolved by the Senate and House of Representatives, That from and after Monday the fifth day of this present month, no bill shall be introduced or received into either House of the General Assembly, during the next succeeding ten days of actual session.

Mr. Goddard moved to amend by striking out these words, "during the next succeeding ten days of actual session."

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbe, Emrie, Evans, Graham, Myers, Patterson, Scott, Whitman and Wilson—15.

So the amendment was disagreed to.

The question being on agreeing to the resolution,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted—yeas 22, nays 7, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Blake, Blocksom, Burns, Byers, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Graham, Kendall, Lewis, Myers, Patterson, Scott, Whitman, Wilson and Speaker—22.

Those who voted in the negative, were

Messrs. Claypool, Dimmock, Goddard, Haines, Horton, Judy and Vinal—7.

So the resolution was agreed to.

Mr. Whitman from the committee on schools and school lands to which was referred H. No. 140; to extend the time of payment for school section sixteen, in Springfield township, Lucas county, reported the same back.

Said bill was ordered to a third reading on Monday next.

Also S. No. 164; To incorporate the town of Sugar Grove, in Fairfield county, reported the same back and recommended its indefinite postponement until the first Monday in December next.

Which was agreed to.

Mr. Hendricks from the committee on Enrollment, made the following report:

The standing committee on Enrollment, report that they have examined the following acts and find them correctly enrolled, to wit:

"An act for the better organization of the public schools in cities, towns, &c."

"An act to change the name of Elizabeth A. Degraw."

"An act authorizing the personal representative of Matthew J. Gilbert, late of Franklin county, deceased, to complete the contracts said Gilbert made in his life time, relative to real estate, and for other purposes."

"An act to amend the charter of the Huron and Oxford Rail Road Company."

Mr. Vinal from the committee on claims to which was referred the claim of William Green, to refund certain tolls paid on the canal, made the following report and resolution,

Which were agreed to.

(See Appendix, Page 379.)

"Resolved, That the committee be discharged from the further consideration of the subject, and that the petitioner have leave to withdraw his papers."

Mr. Blocksom from the committee on Rail Roads and Turnpikes to which was referred S. No. 220; to incorporate the Columbus and Worthington Plank Road or Turnpike Company, reported the same back.

Also S. No. 229; To incorporate the Eaton and New Madison Plank Road Company, reported the same back with one amendment, Which was agreed to.

Also S. No. 232; To incorporate the Iron Rail Road Company, reported the same back.

Said bill was ordered to be engrossed and read a third time on Monday next.

Mr. Emrie from the majority of the committee on public printing to which was referred Senate resolution, made the following report:

(See Appendix page 327.)

Mr. Blake from the minority of the same committee made the following report:

(See Appendix page 338.)

Laid on the table to be printed.

Mr. Wilson from the select committee to which was referred S. No. 189; to legalize a change in the town plat of Winchester, in Fairfield county, and to confirm the conveyances made by Reuben Dove, proprietor of Dove's addition to said town of Winchester, of the North half of lots Nos. 17 and 18, to Jacob Reese and others, reported the same back with three amendments,

Which were agreed to.

Said bill was ordered to be engrossed and read a third time on Monday next.

Mr. Wilson (on leave) from the committee on the Militia to which was referred S. No. 199; to repeal an act passed February 24, 1848,

entitled an act to amend an act to regulate the Militia, passed March 12, 1844, reported the same back with sundry amendments and recommended its engrossment.

Mr. Burns moved the indefinite postponement of the bill and pending amendments.

The same gentleman demanded the yeas and nays which were ordered and resulted—yeas 18, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Burns, Byers, Claypool, Conklin, Corwin, Graham, Haines, Hendricks, Horton, Judy, Lewis, Myers, Scott and Whitman—18.

Those who voted in the negative, were

Messrs. Backus, Blocksom, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Kendall, Patterson, Vinal, Wilson and Speaker—13.

So the bill was indefinitely postponed.

Mr. Archbold on leave, from the judiciary committee to which was referred H. No. 153; to incorporate the Troy Lodge No. 43, of the Independent Order of Odd Fellows, reported the same back and recommended its being ordered to a third reading.

Mr. Goddard moved the indefinite postponement of the bill.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 19, nays 12.

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Blake, Blocksom, Burns, Byers, Evans, Goddard, Haines, Horton, Kendall, Lewis, Myers, Patterson, Scott, Vinal, Whitman, Wilson and Speaker—19.

Those who voted in the negative, were

Messrs. Archbold, Backus, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Graham, Hendricks and Judy—12.

So the bill was indefinitely postponed.

On motion of Mr. Byers,

The rules were suspended so as to take up the following message.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to House joint resolution relative to going into certain elections.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Whitman on leave, in accordance with previous notice, introduced the following bills:

S. No. 248; To amend the act authorizing the Commissioners of Fairfield county, to subscribe stock in a Rail Road Company, passed February 24, 1848.

S. No. 249; To amend the act to create the office of county Surveyor.

Said bills were read a first time.

On motion of Mr. Beaver,

Mr. Dubbs was added to the select committee to which was referred H. No. 118.

On motion of Mr. Goddard,

The rules were suspended.

Mr. Dennison offered the following:

Resolved by the General Assembly of the State of Ohio, That the claim of William Burdell for supplies of military clothing to the Ohio Volunteers growing out of the requisition of the government of the United States, for an additional force of ten regiments for the prosecution of the late war with Mexico, be and the same is hereby referred to the Governor, Auditor of State and Attorney General, with instructions to examine the same, and if found just, to audit and allow the same.

Referred to the committee on the judiciary.

Mr. Byers on leave, presented the petition of sundry citizens of Wayne county, for the election of James Swart Associate Judge for said county.

Laid on the table.

Mr. Hendricks on leave, from the select committee, introduced the following bill.

S. No. 250; To incorporate the Lower Sandusky and Rollersville Plank Road Company.

Mr. Dubbs, in accordance with previous notice, introduced the following bill:

S. No. 251; To amend the several acts relating to the Cincinnati, Hamilton and Dayton Rail Road Company.

Mr. Myers, in accordance with previous notice, introduced the following bill:

S. No. 252; To change certain Representative Districts therein named.

Said bill was read the first time.

Mr. Haines on leave, from the select committee to which was referred S. No. 189, with House amendments thereto, reported the same back and recommended that the Senate agree to the 1st and 2d, and amend the 3d amendment by striking out Alexander Kinkadee, and insert John H. Livezey,

Which was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution to which the concurrence of the Senate is requested:

Relative to the appointment of Herman B. Mayo, a trustee in the Miami University.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Goddard,

The Senate took a recess until 2½ P. M.

SATURDAY, MARCH 3, 1849.

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HALF PAST TWO O'CLOCK, P. M.

Message from the House of Representatives.

Mr. Speaker:

The hall of the House is now ready for the reception of the Senate, for the purpose of going into certain elections, in pursuance of a joint resolution heretofore passed on that subject.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Ankeny,

The members of the Senate, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and being seated within the bar,

Mr. Byers moved a call of the Senate, which was ordered, and Messrs. Bennett, Chase, Ewing, Worcester, Swift and Beaver were absent.

On motion,

The above named Senators were excused.

On motion,

All further proceedings under the call were dispensed with.

The two houses proceeded, in pursuance of a joint resolution previously adopted for that purpose, to ballot for one associate judge for the county of Richland, in the place of Hugh Gamble, with the following result:

David McCollough received	52 votes.
Jabez Cook	34 "
Blanks and scattering	7

David McCollough, having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected associate judge of the county of Richland, for the constitutional term of seven years from and after the 6th day of August, 1849.

The two houses next proceeded to ballot for a second associate judge for the county of Richland, in the place of Francis Andrews, with the following result:

Ezekiel Chew received	49 votes.
John Stewart	38 "
Scattering	6

Ezekiel Chew having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected associate judge of the county of Richland, for the constitutional term of seven years from and after the third day of March, 1849.

The two houses next proceeded to ballot for one associate judge for the county of Guernsey, with the following result:

Zadock Davis received	47 votes.
Turner G. Brown	46 "
Blank	1

There being no choice, the convention then proceeded to ballot a second time with the following result:

Zadock Davis received	48 votes.
Turner G. Brown	46 "

Zadock Davis having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected associate judge of the county of Guernsey, for the constitutional term of seven years from and after the 10th day of March, 1849.

The two houses next proceeded to ballot for a second associate judge for the county of Guernsey, with the following result:

Robert Reed received	46 votes.
Robert Campbell	47 "
Blank	1

There being no choice, the convention then proceeded to ballot a second time with the following result:

Robert Reed received	48 votes.
Robert Campbell	47 "

It appearing that but 93 votes had been cast (one less than the usual number,) and it also appearing that Messrs. Ankeny and Brainard were uncertain as to having voted, the convention, by unanimous consent, again proceeded to ballot, with the following result:

Robert Reed received	47 votes.
Robert Campbell	47 "

There being no choice, the convention again proceeded to ballot with the following result:

Robert Reed received	48 votes.
Robert Campbell	46 "

Robert Reed having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected associate judge for Guernsey county, for the constitutional term of seven years from and after the 7th day of March, 1849.

The convention next proceeded to ballot for one associate judge for the county of Belmont, with the following result:

William Wilkins received	46 votes.
John Welch	46 "
Blanks	2

There being no choice, the convention then proceeded to ballot a second time, with the following result:

William Wilkins received	45 votes.
John Welch	47 "
Blanks	2

There being no choice, the convention again proceeded to ballot with the following result:

William Wilkins received	48 votes.
John Welch	47 "
Scattering	1

There being no choice, the convention again proceeded to ballot with the following result:

William Wilkins received	49 votes.
John Welch	47 "

It appearing that more votes had been cast than there were members of the convention, a fifth balloting was ordered, when

Mr. Byers moved a call of the Senators, and Messrs. Beaver, Bennett, Chase, Ewing, Swift and Worcester were absent.

On motion,

The above named Senators were excused.

All further proceedings under the call were dispensed with.

Mr. Archbold moved that the Senators retire to their chamber.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 13, nays 17, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Whitman and Wilson—13.

Those who voted in the negative were

Messrs. Backus, Blake, Blocksom, Olapool, Conklin, Corwin, Denison, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—17.

So the motion was lost.

Mr. Archbold moved that the convention adjourn until 10 o'clock on Monday morning.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 47, nays 47, as follows:

YEAS of the Senate—Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Whitman and Wilson.

YEAS of the House—Messrs. Armstrong, Brewer, Burt, Cockerill, Dalzell, Dresbach, Durbin, Edson, Franks, Johnson of Medina, King, Leiter, Miller, Monfort, Moore, Morrow, Morris, Morse, Mott, Norris, Pierce, Potter, Ringwood, Roedter, Smart, Smith of Brown, Townshend, Truman, Van Buskirk, Vorhes, Whiteley and Speaker—47.

NAYS of the Senate—Messrs. Backus, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker.

NAYS of the House—Messrs. Bigger, Brainerd, Bundy, Chaffee, Dodds, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Howard, Johnson of Cuyahoga, Jones, Julian, Larimer, Lee, McClure, Olds, Pennington, Phillips, Reber, Riddle, Rockwell, Scott, Smith of Madison, Thompson, Van Doren and Watt—47.

So the convention refused to adjourn.

The convention again proceeded to ballot with the following result:

William Wilkins received.....	50 votes.
John Welch.....	48 "

It appearing that more votes had been cast than there were members of the convention, a sixth balloting was ordered; when

Mr. Monfort moved that the convention adjourn until 10 o'clock on Monday morning.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 47, nays 47, as follows:

YEAS of the Senate—Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Whitman and Wilson.

YEAS of the House—Messrs. Armstrong, Brewer, Burt, Cockerill, Dalzell, Dresbach, Durbin, Edson, Franks, Johnson of Medina, King, Leiter, Miller, Monfort, Moore, Morrow, Morris, Morse, Mott, Norris, Pierce, Potter, Ringwood, Roedter, Smart, Smith of Brown, Townshend, Truman, Van Buskirk, Vorhes, Whiteley and Speaker—47.

NAYS of the Senate—Messrs. Backus, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker.

NAYS of the House—Messrs. Bigger, Brainerd, Bundy, Chaffee, Dodds, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Howard, Johnson of Cuyahoga, Jones, Julian, Larimer, Lee, McClure, Olds, Pennington, Phillips, Reber, Riddle, Rockwell, Scott, Smith of Madison, Townshend, Van Doren, Watt and Will—47.

So the convention refused to adjourn.

Mr. Archbold moved that the convention adjourn until 10 o'clock on Monday morning.

Mr. Backus demanded the yeas and nays thereon, which were ordered and resulted—yeas 47, nays 47, as follows:

YEAS of the Senate—Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Whitman and Wilson.

YEAS of the House—Messrs. Armstrong, Brewer, Burt, Cockerill, Dalzell, Dresbach, Durbin, Edson, Franks, Johnson of Medina, King, Long, Miller, Monfort, Moore, Morrow, Morris, Morse, Mott, Norris, Potter, Ringwood, Roedter, Smart, Smith of Brown, Townshend, Truman, Van Buskirk, Vorhes, Whiteley and Speaker—47.

NAYS of the Senate—Messrs. Backus, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—15.

NAYS of the House—Messrs. Bigger, Brainerd, Bundy, Chaffee, Dodds, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Howard, Johnson of Cuyahoga, Jones, Julian, Larimer, Lee, McClure, Olds, Pennington, Phillips, Reber, Riddle, Rockwell, Scott, Smith of Madison, Thompson, Van Doren, Watt and Will—32.

The convention again proceeded to ballot, with the following result:

Wm. Wilkins received.....	47 votes
John Welch.....	47 "

There being no choice, a seventh balloting was ordered, when

Mr. Whitman moved that the convention adjourn.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas (Senators 14, Representatives 32,) 46, nays (Senators 14, Representatives 32,) 46, as follows:

YEAS of the Senate—Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Whitman—14.

YEAS of the House—Messrs. Armstrong, Brewer, Burt, Cockerill, Dalzell, Dresbach, Durbin, Edson, Franks, Johnson of Medina, King, Leiter, Miller, Monfort, Moore, Morrow, Morris, Morse, Mott, Norris, Pierce, Potter, Ringwood, Roedter, Smart, Smith of Brown, Townshend, Truman, Van Buskirk, Vorhes, Whiteley and Speaker—32.

NAYS of the Senate—Messrs. Backus, Blake, Claypool, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—14.

NAYS of the House—Messrs. Bigger, Brainerd, Bundy, Chaffee, Dodds, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Howard, Johnson of Cuyahoga, Jones, Julian, Larimer, Lee, McClure, Olds, Pennington, Phillips, Reber, Riddle, Rockwell, Scott, Smith of Madison, Thompson, Van Doren, Watt and Will—46.

So the convention refused to adjourn.

Mr. Dimmock moved that the Senators retire to their chamber.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott and Whitman—14.

Those who voted in the negative, were

Messrs. Backus, Blake, Claypool, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Speaker—14.

So the motion was lost.

Mr. Monfort moved a recess until half past seven o'clock P. M.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas (Senators 10, Representatives 8,) 18, nays (Senators 17, Representatives 54,) 71, as follows:

YEAS of the Senate—Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Myers, and Scott—10.

YEAS of the House—Messrs. Armstrong, Durbin, Edson, Monfort, Morris, Riddle, Roedter and Truman—8.

NAYS of the Senate—Messrs. Backus, Blake, Claypool, Corwin, Dennison, Evans, Graham, Goddard, Haines, Horton, Judy, Kendall, Lewis, Patterson, Vinal, Whitman and Speaker—17.

NAYS of the House—Messrs. Bigger, Brainerd, Brewer, Bundy, Burt, Chaffee, Cockerill, Dalzell, Dodds, Dresbach, Foster, Franks, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Howard, Johnson of Cuyahoga, Johnson of Medina, Jones, Julian, King, Lee, Leiter, McClure, Miller, Morrow, Morse, Moore, Mott, Norris, Olds, Pierce, Pennington, Phillips, Potter, Reber, Ringwood, Rockwell, Smith of Brown, Smith of Madison, Scott, Smart, Thompson, Townshend, Van Buskirk, Van Doren, Vorhes, Watt, Whiteley, Will and Speaker—54.

So the convention refused to take a recess.

Mr. Archbold moved that the convention adjourn until 10 o'clock on Monday morning.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas (Senators 12, Representatives 32,) 44, nays (Senators 14, Representatives 30,) 44, as follows:

YEAS of the Senate—Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, and Scott—12.

YEAS of the House—Messrs. Armstrong, Brewer, Burt, Cockerill, Dalzell, Dresbach, Durbin, Edson, Franks, Johnson of Medina, King, Leiter, Miller, Monfort, Moore, Morrow, Morris, Morse, Mott, Norris, Pierce, Potter, Ringwood, Roedter, Smart, Smith of Brown, Townshend, Truman, Van Buskirk, Vorhes, Whiteley and Speaker—32.

NAYS of the Senate—Messrs. Backus, Blake, Claypool, Corwin, Dennison, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis and Vinal—14.

NAYS of the House—Messrs. Bigger, Brainerd, Bundy, Chaffee, Dodds, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Howard, Johnson of Cuyahoga, Jones, Julian, Larimer, Lee, Olds, Pennington, Phillips, Reber, Riddle, Rockwell, Scott, Smith of Madison, Thompson, Watt and Will—30.

So the convention refused to adjourn.

Mr. Ankeny moved a call of the Senate, and Messrs. Beaver, Bennett, Chase, Conklin, Ewing, Swift, Whitman, Wilson, Worcester and Speaker, were absent.

Mr. Hendricks moved that Messrs. Whitman and Randall be excused.

Mr. Ankeny demanded the yeas and nays thereon, which were ordered, and resulted yeas 20, nays 6, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Blocksom, Burns, Byers, Claypool, Conklin, Corwin, Dennison, Evans, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott and Vinal—20.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Dimmock, Dubbs, Emrie, and Graham—6.

So the motion was agreed to.

Mr. Hendricks moved that all the absentees be excused.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 19, nays 6, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Blake, Burns, Byers, Claypool, Corwin, Dennison, Evans, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Patterson, Scott and Vinal—19.

Those who voted in the negative, were

Messrs. Blocksom, Dimmock, Dubbs, Emrie, Graham and Myers—6.

So the motion prevailed.

On motion of Mr. Claypool,

The convention adjourned until 10 o'clock on Monday morning.

MONDAY, MARCH 5, 1849.

The convention met at 10 A. M.

Mr. Whitman moved a call of the Senate, which was ordered, and Messrs. Ankeny, Dennison, Ewing, Goddard, Swift and Worcester, were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The convention then proceeded to ballot for one associate judge for Belmont county, with the following result:

William Wilkins received.....	49 votes
John Welch.....	46 "
Blanks.....	1 "

William Wilkins having received a majority of all the votes given, was, by the Speaker, in the presence of both Houses, declared duly elected associate judge for Belmont county, for the constitutional term of seven years, from and after the 21st day of June, 1849.

The two Houses next proceeded to ballot for a second associate judge for the county of Belmont, with the following result:

William Watters received.....	95 votes
Blanks.....	1 "

William Watters having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for Belmont county, for the constitutional term of seven years, from and after the 3d day of March, 1849.

The two Houses next proceeded to elect one associate judge for the county of Henry, with the following result:

Samuel B. Jones received.....	49 votes
Jonas Pratt.....	40 "
Blanks.....	4 "

Samuel B. Jones having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for Henry county, for the constitutional term of seven years, from and after the 5th day of March, 1849.

The two Houses next proceeded to ballot for one associate judge for the county of Pickaway, with the following result:

Sooy Smith received.....	49 votes
Samuel Lutz.....	43 "
Blanks.....	4 "

Booy Smith having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Pickaway, for the constitutional term of seven years, from and after the 12th day of August, 1849.

The two Houses next proceeded to ballot for one associate judge for the county of Pike, with the following result:

Charles McCollister received.....	50 votes
John Slaughter.....	40 "
Blanks.....	6 "

Charles McCollister having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Pike, for the constitutional term of seven years, from and after the 7th day of March, 1849.

The two Houses next proceeded to ballot for one associate judge for the county of Stark, with the following result:

Thomas Blackburn received.....	49 votes
George Harsh.....	40 "
Blanks.....	3 "

Thomas Blackburn having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Stark, for the constitutional term of seven years, from and after the 5th day of March, 1849.

The two Houses next proceeded to ballot for one associate judge for the county of Hardin, with the following result:

John Goodin received.....	47 votes
Daniel Campbell.....	37 "
George Ingham.....	5 "
Blanks.....	1 "

John Goodin having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Hardin, for the constitutional term of seven years, from and after the 10th day of March, 1849.

The two Houses next proceeded to ballot for one associate judge for the county of Hocking, with the following result:

Robert Wright received.....	47 votes
Andrew Curry.....	43 "
Blank.....	1 "

Robert Wright having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared

duly elected associate judge for the county of Hooking, for the constitutional term of seven years, from and after the 21st day of June, 1849.

The two Houses next proceeded to ballot for one associate judge for the county of Fairfield, with the following result:

Elias Perry received.....	48 votes.
S. Geohagan	37 "
Blank.....	7 "

Elias Perry having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Fairfield, for the constitutional term of seven years, from and after the 3d day of March, '49.

The two Houses next proceeded to ballot for one associate judge for the county of Geauga, with the following result:

Barton F. Avery received.....	48 votes.
S. Bodman.....	37 "
Blank.....	5 "

Barton F. Avery having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both Houses, declared duly elected associate judge for the county of Geauga, for the constitutional term of seven years, from and after the rising of the present General Assembly.

The convention next proceeded to ballot for one associate judge for the county of Cuyahoga, with the following result:

Benjamin Northrup received.....	45 votes.
John Blair.....	45 "
Blanks.....	4 "

No one having received a majority of all the votes given, the convention proceeded to ballot a second time for one associate judge, for Cuyahoga county, with the following result:

Benjamin Northrup received.....	43 votes.
John Blair.....	45 "
Blanks.....	5 "

No one having received a majority of all the votes given, the convention proceeded to ballot a third time for one associate judge for Cuyahoga county, with the following result:

Benjamin Northrup received.....	42 votes.
John Blair.....	46 "
Blanks.....	5 "

No one having received a majority of all the votes given, Mr. Whiteley moved that the convention take a recess until half past two o'clock, P. M.

Mr. Conklin demanded the yeas and nays, which were ordered and resulted yeas 42, nays 52, as follows:

YEAS of the Senate—Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Whitman and Wilson—13.

YEAS of the House—Messrs. Armstrong, Burt, Cockerill, Dalzell, Durbin, Edson, Franks, Larimer, Leiter, Miller, Monfort, Moore, Morrow, Morris, Morse, Mott, Norris, Pierce, Potter, Pugh, Ringwood, Roedter, Smart, Smith of Brown, Townshend, Truman, Vorhes, Whiteley and Speaker—42.

NAYS of the Senate—Messrs. Backus, Bennett, Blake, Claypool, Conklin, Corwin, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Scott, Vinal and Speaker—15.

NAYS of the House—Messrs. Bigger, Brainerd, Brewer, Bundy, Chaffee, Dodds, Dresbach, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holecomb, Howard, Johnson of Cuyahoga, Johnson of Medina, Jones, Julian, King, Lee, McClure, Olds, Pennington, Phillips, Reber, Riddle, Rockwell, Scott, Smith of Madison, Thompson, Van Buskirk, Van Doren, Watt, Will and Woodford—52.

So the convention refused to take a recess.

The convention then proceeded to ballot a fourth time, for an associate judge for Cuyahoga county, with the following result:

Benjamin Northrop received.....	44 votes.
John Blair.....	45 "
Blanks.....	3 "

No one having received a majority of all the votes given, Mr. Hambleton moved that the convention take a recess until half past two o'clock, P. M.

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted yeas 50, nays 42, as follows:

YEAS of the Senate—Messrs. Archbold, Blocksom, Byers, Dimmock, Dubbs, Emrie, Evans, Hendricks, Horton, Judy, Patterson, Scott, Whitman and Wilson—14.

YEAS of the House—Messrs. Armstrong, Brewer, Burt, Cockerill, Dalzell, Dresbach, Franks, Hambleton, Howard, King, Larimer, Leiter, Miller, Monfort, Moore, Morrow, Morris, Morse, Mott, Norris, Pierce, Potter, Pugh, Reber, Ringwood, Roedter, Smart, Smith of Brown, Townshend, Truman, Van Buskirk, Van Doren, Vorhes, Watt, Whiteley and Speaker—50.

NAYS of the Senate—Messrs. Backus, Bennett, Blake, Burns, Chase

Claypool, Conklin, Corwin, Haines, Kendall, Lewis, Myers, Vinal and Speaker—14.

NAYS of the House—Messrs. Bigger, Brainerd, Bundy, Chaffee, Dodds, Durbin, Foster, Giddings, Green, Gregory, Hammond, Hardesty, Holcomb, Johnson of Cuyahoga, Johnson of Medina, Jones, Julian, Lee, Olds, Pennington, Phillips, Riddle, Rockwell, Scott, Smith of Madison, Thompson, Will and Woodford—42.

So the motion was carried.

The Senate took a recess until half past two o'clock, P. M.

HALF-PAST TWO O'CLOCK, P. M.

A call of the Senate was ordered and Messrs. Ankeny, Beaver, Denison, Ewing, Goddard, Graham, Swift and Worcester were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The convention then proceeded to ballot a fifth time for one associate judge of Cuyahoga county, with the following result:

Benjamin Northrop received	23 votes.
Benjamin Rouse	21 "
John Blair	43 "
Blank	1 "

No one having received a majority of all the votes given, the convention proceeded to ballot a sixth time for one associate judge for Cuyahoga county, with the following result.

Benjamin Northrop received	23 votes.
Benjamin Rouse	24 "
John Blair	46 "
Blank	1 "

No one having received a majority of all the votes given, the convention proceeded to ballot a seventh time for one associate judge of Cuyahoga county, with the following result:

Benjamin Northrop received	23 votes.
Benjamin Rouse	23 "
John Blair	47 "
Blank	1 "

No one having received a majority of all the votes given, Mr. Myers (Senate) moved that the convention pass the election for the above office, and take it up when the remaining elections are given.

Mr. Backus demanded the yeas and nays thereon, which were ordered and resulted yeas 34, nays 60, as follows:

YEAS of the Senate—Messrs. Burns, Byers, Chase, Dimmock, Emrie, Evans, Myers, Patterson and Scott—9.

YEAS of the House—Messrs. Armstrong, Burt, Cockerill, Dalsell, Dresbach, Darbin, Edson, Franks, Johnson of Medina, King, Long, Monfort, Moore, Morse, Mott, Norris, Potter, Pugh, Ringwood, Roedter, Smart, Townshend, Truman, Vohres and Whiteley—25.

NAYS of the Senate—Messrs. Archbold, Backus, Bennett, Blake, Blockson, Claypool, Conklin, Corwin, Dubbs, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Whitman, Wilson and Speaker—19.

NAYS of the House—Messrs. Bigger, Brainerd, Brewer, Bundy, Chaffee, Dodds, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Howard, Johnson of Cuyahoga, Jones, Julian, Larimer, Lee, Leiter, McClure, Miller, Morris, Olds, Peiros, Pennington, Phillips, Reber, Riddle, Rockwell, Scott, Smith of Brown, Smith of Madison, Thompson, Van Buskirk, Van Doren, Watt, Will, Woodford and Speaker—41.

So the motion was lost.

The convention then proceeded to ballot an eighth time, for one associate judge for Cuyahoga county, with the following result:

Benjamin Northrop received	45 votes.
John Blair	46 "
Blanks	2 "

No one having received a majority of all the votes given, the convention proceeded to ballot a ninth time, for one associate judge for Cuyahoga county, with the following result:

Benjamin Northrop received	44 votes.
John Blair	45 "
Blanks	3 "

No one having received a majority of all the votes given, the convention proceeded to ballot a tenth time for one associate judge of Cuyahoga county, with the following result:

Benjamin Northrop received	42 votes.
John Blair	43 "
Blanks	2 "

No one having received a majority of all the votes given,
32—S. J.

Mr. Dabbs moved that the convention adjourn until to-morrow at 10 o'clock A. M.

Mr. Backus demanded the yeas and nays thereon, which were ordered, and resulted yeas 17, nays 72, as follows:

YEAS of the Senate—Messrs. Byers, Dabbs, Emrie, Evans, Patterson—5.

YEAS of the House—Messrs. Armstrong, Burt, Cockerill, Durbin, Edson, Franks, Larimer, Norris, Phillips, Ringwood, Roedter, and Whiteley—12. Total—17.

NAYS of the Senate—Messrs. Archbold, Backus, Bennett, Blake, Blocksom, Burns, Chase, Claypool, Conklin, Corwin, Dimmock, Haines, Horton, Judy, Kendall, Lewis, Myers, Scott, Vinal, Wilson and Speaker—21.

NAYS of the House—Messrs. Bigger, Brainerd, Brewer, Bundy, Chaffee, Dalsell, Dodds, Dresbach, Foster, Giddings, Green, Gregory, Hambleton, Hammond, Hardesty, Holcomb, Howard, Johnson of Cuyahoga, Johnson of Medina, Jones, Julian, King, Lee, Leiter, Long, McClure, Miller, Monfort, Morris, Morse, Moore, Mott, Olds Pierce, Pennington, Reber, Riddle, Rockwell, Scott, Smart, Smith of Brown, Smith of Madison, Thompson, Townshend, Truman, Van Buskirk, Van Doren, Vorhes, Watt, Will and Speaker—51. Total—72.

So the convention refused to adjourn.

The convention then proceeded to ballot an eleventh time for one Associate Judge for Cuyahoga county, with the following result:

Benjamin Northrup received.....	43 votes.
John Blair	44 "
Blanks	2 "

No one having received a majority of all the votes given, the convention proceeded to ballot a twelfth time for one Associate Judge for the county of Cuyahoga, with the following result:

Benjamin Northrup received.....	44 votes.
John Blair	44 "
Blanks	2 "

No one having received a majority of all the votes given,

Mr. Mott moved that the convention adjourn until 10 o'clock to-morrow.

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 53, nays 35, as follows:

YEAS of the Senate—Messrs. Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Judy, Kendall, Lewis, Myers, Patterson, Scott and Wilson—15.

YEAS of the House—Messrs. Armstrong, Brewer, Burt, Chaffee, Cockerill, Dalzell, Dresbach, Durbin, Edson, Foster, Franks, Hambleton, Johnson of Medina, King, Larimer, Long, Miller, Monfort, Moore, Morris, Morse, Mott, Norris, Pierce, Potter, Reber, Ringwood, Riddle, Roedter, Smith of Brown, Smith of Madison, Townshend, Truman, Van Buskirk, Vorhes, Whiteley and Speaker—38. Total—53.

NAYS of the Senate—Messrs. Archbold, Backus, Blake, Claypool, Conklin, Corwin, Haines, Horton, Vinal and Speaker—10.

NAYS of the House—Messrs. Bigger, Brainerd, Bundy, Dodds, Giddings, Green, Gregory, Hammond, Hardesty, Holcomb, Howard, Johnson of Cuyahoga, Jones, Julian, Lee, McClure, Olds, Pennington, Phillips, Rockwell, Scott, Thompson, Van Deren, Watt and Will—25. Total—35.

So the convention adjourned.

TUESDAY, MARCH 6, 1849.

The convention met pursuant to adjournment.

The convention proceeded to ballot for one Associate Judge for the county of Cuyahoga, being the thirteenth ballot, with the following result:

Benjamin Northrop received.....	47 votes.
John Blair	46 "

Benjamin Northrop having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both houses, declared duly elected Associate Judge for the county of Cuyahoga for the constitutional term of seven years from and after the 6th day of March, 1849.

The convention next proceeded to ballot for a second Associate Judge for the county of Cuyahoga, with the following result:

Quintas F. Atkin received	50 votes.
David Harvey	41 "
Blanks	3 "

Quintas F. Atkin having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both houses, de-

clared duly elected Associate Judge for the county of Cuyahoga, for the constitutional term of seven years from and after the 6th day of March, 1849.

The convention next proceeded to ballot for one President of the Board of Public Works, with the following result:

Edward S. Hamlin received.....	48 votes.
Orrin Follett	40 "
Blanks	5 "

Edward S. Hamlin having received a majority of all the votes given, was by the Speaker of the Senate, in the presence of both houses, declared duly elected President of the Board of Public Works for the term of three years from and after the 1st day of April, 1849.

The Senators then retired to their chamber,

Mr. Burns, from the select committee to which was referred S. No. 241, to extend the time of payment for the northwest quarter of section 16, in Perry township, Morrow county, reported the same back.

Said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Dennison from the select committee to which was referred S. No. 157, to incorporate the Columbus, Chillicothe and Portsmouth Railroad company, reported the same back and recommended its postponement until the first Monday of December next; which was agreed to.

Mr. Bennett, from the select committee to which was referred H. No. 79, to revive a certain act therein named, reported the same back with one amendment; which was agreed to.

Mr. Backus, from the select committee to which was referred S. No. 195, to amend the act to incorporate the Cleveland Gas Light and Coke company, reported the same back with one amendment; which was agreed to.

Said bill was ordered to be engrossed.

Said bills were ordered to a third reading to-morrow.

Mr. Whitman, from the select committee to which was referred H. No. 65, to repeal the charter of the Harmer and Lancaster Turnpike company, passed March 13, 1836, reported the same back.

Said bill was then read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Dubbs, from the select committee to which was referred S. No. 185; To amend and reduce into one, the several acts relating to the Cincinnati, Hamilton and Dayton railroad company, reported the same back with an amendment, which was agreed to.

Said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Byers on leave, from the committee on the library to which was referred Senate resolution relative to furnishing Chase's statutes to the

county of Auglaize, reported the same back and recommended the adoption of the following resolution, which was agreed to.

Resolved by the General Assembly of the State of Ohio, That the Secretary of State procure and forward, with the laws and journals of the present session, to the clerk of the court of common pleas of Auglaize county, one set of Chase's statutes for the use of said county.

Mr. Hendricks, from the committee on enrollment, made the following report:

The standing committee on enrollment report, that they have examined and found correctly enrolled the following acts, to wit:

An act to incorporate the town of Haysville, in Ashland county.

An act to incorporate the Mansfield fire company No. 1.

An act to extend certain streets in the town of Springfield, Clark county.

An act further to amend the act entitled an act to provide for the internal improvement of the state of Ohio, by navigable canals.

An act to amend an act entitled an act to incorporate the firemen's insurance company of Cincinnati, passed January 9, 1832.

Mr. Vinal on leave, from the committee on claims to which was referred House joint resolution relative to the claim of Augustus Moor, reported the same back.

Referred to a select committee of one—Mr. Dubbs.

Mr. Dimmock on leave, presented the petition of Nathan Chase and 27 others, against the repeal of the Bennington and Mt. Gilead free turnpike road.

Mr. Ankeny on leave, presented the petition of L. Platt and 32 others on the same subject.

Referred to a select committee of one—Mr. Dennison.

Mr. Dennison on leave, from the select committee to which was referred S. No. 346; To appoint Herman P. Mayo trustee of Miami University, reported the same back.

Said bill was indefinitely postponed.

The following bills were read a second time, committed to a committee of the whole Senate and made the order of the day for this day:

S. No. 243; To amend the several acts incorporating turnpike companies in this state.

S. No. 244; To incorporate the Bucyrus and Shelby plank road company.

S. No. 245; To detach certain sections from Morrow county, and attach the same to Richland county.

H. No. 29; To regulate proceedings before justices of the peace.

H. No. 158; To amend the several acts now in force to regulate the practice of the judicial courts.

H. No. 189; To incorporate the Four Mile Valley railroad company.

H. No. 197; To restore John Kidwell to his legal rights and privileges.

H. No. 204; To incorporate the Miamisburg free turnpike road.

H. No. 205; To incorporate the Troy, Stanton and Loss Creek turnpike road company.

H. No. 207; To authorize the trustees of Upper township, Lawrence county, to levy taxes for certain purposes.

H. No. 213; To amend an act entitled an act for the support and better regulation of Common schools, and to create permanently the office of superintendent, passed March 7, 1838.

H. No. 240; To incorporate the Trumbull, Portage and Geauga plank road company.

H. No. 222; Repealing an act entitled an act incorporating the town of Benton, in the county of Crawford.

H. No. 235; To incorporate the Dry Ridge Universalist society of Green township, Hamilton county.

H. No. 241; To attach south and middle Bass Islands to Erie county.

H. No. 249; To incorporate the Cincinnati, Batavia and Williamsburg railroad company.

H. No. 250; To lay out and establish a state road from Liberty township, in Putnam county, to the Van Buren, Independence and Ridgeville free turnpike road in Henry county.

H. No. 255; To repeal an act entitled an act to lay out and establish a certain free turnpike therein named.

H. No. 257; To authorize the sale of the northeast quarter of school section one in Buck township, Hardin county.

H. No. 269; To incorporate the Bentonville and New Market turnpike company.

H. No. 270; To authorize the sale of school land in Elizabeth township, Lawrence county, in this state.

H. No. 274; To incorporate the Elizabethtown and Clevestown turnpike company.

H. No. 276; To authorize the trustees of Clay township, in Knox county, to redistrict said township for school purposes.

H. No. 287; To extend the time for the payment of the purchase money of section 16, township No. 3, of the United States Reserve of twelve miles square in Lucas county.

H. No. 288; To lay out and establish a free turnpike road from Defiance, to the Indiana state line, at the point where the Fort Wayne road now crosses said state line, in the county of Paulding.

H. No. 290; To incorporate the Green and Millcreek township turnpike company.

H. No. 305; To lay out and establish a state road in the counties of Jackson, Athens and Gallia.

H. No. 309; To amend the third section of an act passed Feb. 24, 1848, entitled an act to incorporate the Great Western Railroad company.

H. No. 310; To incorporate the Martinsville and Bridgeport free plank road company, in Belmont county.

S. No. 247; To amend the act entitled an act for the better organization of public schools in cities, towns, &c., passed Feb. 15, 1849.

S. No. 248; To amend the act authorizing the commissioners of Fairfield county to subscribe stock in a railroad company, passed Feb. 24, 1848.

S. No. 249; To amend the act to create the office of county surveyor.

S. No. 250; To incorporate the Lower Sandusky and Rollersville plank road company.

S. No. 251; To amend the several acts relating to the Cincinnati, Hamilton and Dayton railroad company.

S. No. 252; To change certain representative districts therein named.

Senate bill No. 244, was referred to a select committee of one—Mr. Burns.

H. No. 197, was referred to a select committee of one—Mr. Byers.

The following bills were read a third time and passed:

S. No. 146; To incorporate the town of New Fort Ball, in the county of Seneca.

S. No. 189; To legalize a change in the town plat of Winchester, in Fairfield county, and to confirm the conveyances made by Reuben Dove, proprietor of Dove's addition to said town, of the north half of lots No. 17 and 18 to Jacob Ruse and others.

S. No. 228; To amend an act, entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7, 1838, and the acts amendatory thereto.

S. 229; To incorporate the Eaton and New Madison plank road company.

S. No. 232; To incorporate the iron railroad company.

S. No. 235; To organize the county of Ashland a separate brigade.

H. No. 140; To extend the time of payment for school section sixteen, in Springfield township, Lucas county.

H. No. 243; To amend an act passed February 24, 1848, entitled an act to amend the act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent.

H. No. 286; To authorize Ashabel Chittenden to surrender the lease for and become the purchaser of the east half of the south west quarter of school section sixteen in Scipio township, Seneca county.

Ordered that the titles be as aforesaid.

The following bill was read the third time:

S. No. 234; To incorporate the Columbus Horticultural Society.

Referred to a select committee of one—Mr. Dennison.

The following bills were read a third time:

S. No. 220; To incorporate the Columbus and Worthington plank road and turnpike company.

Referred to a select committee of one—Mr. Dennison.

S. No. 228; Authorizing the commissioners of Scioto county to subscribe to the capital stock of Scioto and Hocking valley railroad company.

Referred to a select committee of two—Messrs. Claypool and Kendall.

Mr. Dennison on leave, from the select committee to which was referred S. No. 234; To incorporate the Columbus Horticultural Society, reported the same back with an amendment, which was agreed to.

Said bill was then passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to purchasing copies of Curwen's Revising Index to the laws of the state of Ohio.

The Speaker of the House has signed the following joint resolution:

Relative to the appointment of Herman B. Mayo, as trustee of the Miami University.

Attest:

STANLEY MATTHEWS, Clerk.

House resolution relative to Curwen's Index was referred to the committee on the Judiciary.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 57; Concerning Senators and Representatives in the county of Hamilton.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendment to the following bill:

H. No. 61; For the relief of John D. Burrell.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills:

S. No. 30; To amend the charter of the Huron and Oxford Railroad Company.

S. No. 51; For the better regulation of the public schools in cities, towns, &c.

S. No. 86; Authorizing the personal representative of Matthew J. Gilbert, of Franklin county, deceased, to complete the contracts said Gilbert made in his life time relative to real estate and for other purposes.

S. No. 93; To change the name of Elizabeth A. Degraw.

S. No. 121; To amend an act entitled an act to incorporate the Dayton, Lebanon, and Deerfield Railroad company, passed Feb. 6, 1847, and an act amendatory thereto, passed Feb. 14, 1848.

The House has also passed the following bill:

H. No. 253; To incorporate the Darke county Medical Society.

Attest:

STANLEY MATTHEWS, Clerk.

House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following bills:

S. No. 48; To incorporate the Mansfield Fire company.

S. No. 85; Further to amend the act entitled an act to provide for the internal improvement of the State of Ohio by navigable canals.

S. No. 95; To amend an act entitled an act to incorporate the Firemen's Insurance company of Cincinnati, passed January 9, 1832.

S. No. 190; To extend certain streets in the town of Springfield, Clark county.

S. No. 214; To incorporate the town of Haysville, in Ashland county.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

H. No. 23; To authorize the administrator of William S. Tracey, deceased, to complete real contracts.

H. No. 36; To incorporate the town of Malvern in the county of Carroll.

H. No. 40; Prescribing the times of holding the court of common pleas in the sixteenth judicial circuit.

H. No. 47; To amend the act incorporating the Colerain, Oxford, and Brookville Turnpike Company, passed Feb. 13, 1832.

H. No. 93; To incorporate the Millford, Edenton and Woodville Turnpike company.

H. No. 97; To amend the act entitled an act to incorporate the town of Elyria.

H. No. 110; To incorporate the Columbia and New Richmond Turnpike and Bridge company.

H. No. 112; To incorporate the Union Bridge and Cincinnati Turnpike Road company.

H. No. 119; To incorporate the Bellbrook and Beaver Creek Turnpike Road Company.

H. No. 132; To amend the act entitled "an act to institute proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and regulating corporations generally.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 220; To authorize the sale of lands belonging to Pitt township, Wyandott county.

S. No. 90; To incorporate the St. Marys and Willshire Plank Road company, with amendments.

H. No. 208; To amend the act to incorporate the Steubenville and Indiana Railroad company, passed Feb. 24, 1848.

The House has passed the following Senate joint resolution:

Relative to giving authority to keep up a dam across the Great Miami river, in Miami county.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to Senate bill No. 90 were agreed to.

House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to the following House bills:

H. No. 80; To incorporate the town of Wapaukonneta, in the county of Auglaize.

H. No. 174; To amend an act entitled an act to incorporate the Dayton and Xenia Turnpike Road company, passed Feb. 28, 1845.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House of Representatives and read the first time:

H. No. 363; To amend an act making provisions for the incorporation of cemetery associations, passed February 24, 1848, and for other purposes.

H. No. 364; To incorporate the Dayton, Shaker Village and Xenia Turnpike company.

H. No. 365; To incorporate the Rescue Fire Engine Company, No. 1, of the town of Bucyrus, in the county of Crawford.

H. No. 366; To authorize the trustees of Berne township, Athens county, to lease certain school lands therein named.

H. No. 367; To amend the act passed March 11, 1843, entitled an act to further amend the act for the support and better regulation of common schools, passed March 7, 1838.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

S. No. 14; In addition to an act in relation to incorporating religious societies, passed March 8, 1836.

S. No. 29; To amend the act to incorporate the Ross county Turnpike company, passed February 19, 1848.

S. No. 47; To establish a free turnpike road from Carrollton, in Montgomery county, by way of Farmersville, Dunker's Church and Denniston's mills, to Eaton, in Preble county.

S. No. 49; To amend an act entitled an act to incorporate the Bellefontaine and Indiana Railroad company, passed Feb. 26, 1848.

S. No. 57; Making Ophelia Piper the legal heir of Zadock Tillotson, of Medina county, and changing the name of said Ophelia Piper to Caroline Tillotson.

S. No. 55; To establish a free turnpike road from Sugar Valley to Camden, in Preble county.

S. No. 61; Incorporating the Scioto Valley Railroad Company,

S. No. 63; To establish a free turnpike road from Eaton, in Preble county, by way of West Florence, and thence west, on the Boston State road, to the Indiana State line.

S. No. 77; To authorize the sale of school section 16, in Monroe township, Preble county.

S. No. 103; To incorporate the Miller Academy.

S. No. 133; To incorporate the Conneaut and Youngstown Plank Road company.

Attest:

STANLEY MATTHEWS, Clerk,

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to Senate joint resolution relative to the claim of James A. Aston.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to the following bills:

H. No. 35; To incorporate the Savings Fund Society of Woodsfield.

H. No. 150; To impose an additional tax for the improvement of the Maamee and Angola road.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Bennett,

The committee of the whole were discharged from the further consideration of S. No. 242; To incorporate the New Philadelphia, Leesburg and Cadiz plank road company, and it was

Referred to a select committee of one, Mr. Bennett.

On motion of Mr. Myers,

The resolutions relative to taxing banks on all notes, bills and other evidences of debt, was taken up.

The same gentleman moved the adoption of the resolution.

On motion of Mr. Claypool,

The Senate took a recess.

THREE O'CLOCK, P. M.

The question being on agreeing to the resolutions.

Mr. Myers demanded the yeas and nays thereon which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blockson, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Whitman and Wilson—16.

Those who voted in the negative, were.

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Haines, Hendricks, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the resolutions were disagreed to.

On motion of Mr. Byers,

Resolved, That the Auditor of State be and he hereby is required to furnish this Senate, the amount of liabilities, to the bank, of the directors and stockholders of the Clinton bank of Columbus, and bank of Circleville, either as principals or endorsers; if he is in possession of the information hereby called for.

On motion of Mr. Whitman,

Resolved, That the Auditor of State be requested to furnish to the Senate a copy of any report in his office showing the condition of the bank of Massillon, with all other information relating to the same in his knowledge.

Mr. Wilson moved to reconsider the vote by which house bill 163; To incorporate Troy Lodge No. 43, I. O. O. F., was lost on its being ordered to a third reading.

The motion was laid on the table.

On motion of Mr. Kendall,

The papers and depositions relative to the case of William Leonidas Davidson were taken up and the petitioners had leave to withdraw their papers.

On motion of Mr. Wilson,

The petitions and remonstrances relative to incorporating the town of New Fort Ball were taken up and withdrawn.

Mr. Chase gave notice that on to-morrow or on some subsequent day of the present session he would ask leave to introduce a bill to amend the act to incorporate the Mayor and Trustees of the town of Hamilton.

Mr. Chase gave notice that on to-morrow or on some subsequent day of the present session he would ask leave to introduce a bill to incorporate the Four Mile and Seven Mile turnpike company.

Mr. Corwin offered for adoption the following:

Resolved, That when the Senate takes a recess it shall be to meet at half past two o'clock P. M. of same day, and when it adjourn it shall be to meet again at nine o'clock A. M. of the succeeding day until otherwise ordered.

Mr. Archbold moved to lay the resolution on the table.

Mr. Corwin demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Dennison, Haines, Hendricks, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the motion was lost.

The question being on the adoption of the resolution,

Mr. Archbold demanded the yeas and nays thereon which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Whitman, and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Dennison, Haines, Hendricks, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the resolution was disagreed to.

On motion of Mr. Archbold,

Resolved, By the General Assembly of the State of Ohio. That from and after Thursday, the eighth day of this present month, no bill shall be introduced or received into either house of the General Assembly during the next ten days of actual session.

Mr. Backus moved to strike out "during the next ten days of actual session."

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Chase, Conklin, Dennison, Dimmock, Haines, Hendricks, Horton, Kendall, Vinal, Worcester and Speaker—16.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Dubbs, Emrie, Evans, Graham, Myers, Patterson, Scott, Whitman and Wilson—13.

So the amendment was agreed to.

The question being on the adoption of the resolution,

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 16, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennet, Blake, Claypool, Conklin, Dennison, Haines, Hendricks, Horton, Kendall, Lewis, Myers, Vinal, Worcester and Speaker.—16.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Graham, Patterson, Scott, Whitman and Wilson—14.

So the resolution was agreed to.

On motion of Mr. Dennison,

Senate bill No. 233; To amend the act entitled an act to incorporate the State Bank of Ohio and other Banking companies, passed Feb. 24, 1845, was taken up and referred to the standing committee on the currency.

On motion of Mr. Burns,

The petitions on the table relative to Associate Judges for Richland county were taken up and withdrawn.

Mr. Corwin offered for adoption the following:

Resolved, That three thousand copies of the annual report of the Auditor of State be printed for the use of the Senate and five hundred additional copies for the use of the Auditor of State.

Referred to the committee on public printing.

Mr. Hendricks moved to reconsider the vote by which S. bill 199 was lost on its engrossment.

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 12, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Blocksom, Dennison, Dubbs, Emrie, Evans, Hendricks, Kendall, Patterson, Whitman and Wilson—12.

Those who voted in the negative were

Messrs. Archbold, Beaver, Bennett, Blake, Burns, Byers, Claypool, Conklin, Dimmock, Haines, Horton, Lewis, Myers, Scott, Vinal, Worcester and Speaker—17.

So the motion was lost.

The Speaker laid before the Senate the special report of the Governor relative to a vacancy of an Associate Judge in Crawford county.

(See Public Doc.)

Laid on the table.

On motion of Mr. Dennison.

The Senate adjourned.

Attest,

JOHN R. KNAPP, JR., Clerk.

WEDNESDAY, MARCH 7, 1849.

Prayer by Rev. Mr. Hitchcock.

Mr. Beaver presented sundry petitions from 3810 citizens of Cincinnati and Hamilton county in favor of a law dividing the Commercial Hospital between the several Medical Schools.

Laid on the table.

Mr. Backus presented the petition D. M. Cross and 34 other citizens of Cleveland for a law preserving deer and certain other game.

Postponed until the first Monday in December next.

Mr. Horton presented the petition of H. Downing and 41 other citizens of Meigs county for the incorporation of the Rutland and Middleport plank road company.

Mr. Hendricks presented the petition of Ephraim Mikesell and others of Preble county to increase fees of Trustees to \$1 per day.

Laid on the table.

Mr. Whitman from the committee on the Judiciary to which was referred S. No. 67; To incorporate Butler Encampment No. 7, Independent Order of Odd Fellows, reported the same back and recommended the indefinite postponement of the bill.

Mr. Chase moved that the bill be referred to a select committee of one, which was lost.

The question turned on the indefinite postponement of the bill was agreed to.

Also S. No. 140; To incorporate Hamilton Lodge No. 7 of the Independent Order of Odd Fellows, reported the same back and recommended its indefinite postponement.

Mr. Chase moved that the bill be referred to a select committee of one, which was lost.

The question being on the indefinite postponement of the bill, was agreed to.

Also, S. No. 225; More effectually to prevent the sale of lottery tickets in this state, reported the same back with the same recommendation.

Said bill was referred to the committee on the Judiciary.

Also, S. No. 127; To provide for the construction of culverts and gates in mill-dams, in the township of Sylvania, Lucas county.

Referred to a select committee of one—Mr. Myers.

Also, S. No. 128; To create the Superior Court of Toledo, reported the same back.

Said bill was postponed until the 1st Monday in December next.

Also, S. No. 149; To prevent the further emigration of black and mulatto persons into this state, reported the same back without recommendation.

The question being on the engrossment of the bill,

Mr. Myers moved the indefinite postponement of the bill.

After debate, Mr. Chase moved that the Senate take a recess.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 14, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dimmock, Dubbs, Emrie, Evans, Haines, Hendricks, Patterson, Scott, Whitman and Wilson—18.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Corwin, Dennison, Goddard, Horton, Lewis, Myers, Swift, Vinal, Worcester and Speaker—14.

So the Senate took a recess.

THREE O'CLOCK P. M.

The question being on the indefinite postponement of S. No. 149, Mr. Myers withdrew his motion to postpone.

Mr. Chase moved to recommit the bill to a select committee of one.

Mr. Conklin moved to add with the following instructions:

Strike out all after the enacting clause, and insert the "act to amend the act to regulate black and mulatto persons," passed January 25, 1807.

Mr. Beaver moved the indefinite postponement of the bill.

The same gentleman moved a call of the Senate, which was ordered and Messrs. Claypool, Graham, Judy and Lewis were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the indefinite postponement of the bill,

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted yeas 18, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Corwin, Dennison, Emrie, Goddard, Haines, Hendricks, Horton, Myers, Swift, Vinal, Wilson, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Conklin, Dimmock, Dubbs, Evans, Kendall, Patterson, Scott and Whitman—13.

So the bill was indefinitely postponed.

Mr. Dennison, from the committee on Corporations, to which was referred S. No. 118; To revive the 4th section of a certain act therein named, reported the same back.

Said bill was ordered to be engrossed and read a third time tomorrow.

Mr. Worcester, from the committee on the Judiciary, introduced the following bill:

S. No. 253; To amend an act regulating judgments and executions.

Said bill was read the first time.

Mr. Corwin, from the committee on Corporations, to which was re-

ferred S. No. 216; To incorporate the town of St. Marys, in Auglaize county, and to repeal certain acts, reported the same back.

Said bill was then passed.

Ordered that the title be as aforesaid.

Mr. Goddard, from the committee on Public Works, to which was referred House joint resolution, relative to the claim of H. S. Harmon and others, reported the same back with amendments; which were agreed to, and the resolution as amended was agreed to.

Mr. Archbold, from the committee on the Judiciary, to which was referred S. No. 209; To amend an act entitled "an act regulating judgments and executions," passed March 4, 1831, reported the same back.

Also, S. No. 231; To amend an act entitled an act providing for the punishment of crimes, passed March 7, 1835, reported the same back.

Said bills were ordered to be engrossed.

Also, H. No. 169; To authorize the Governor, on behalf of the state, to make a conveyance of certain lands in Summit county, belonging to said state, reported the same back.

Said bills were ordered to be read a third time to-morrow.

Also, from the same committee, House joint resolution relative to purchasing Curwen's Index to the laws, reported the same back and the resolution was agreed to.

Also, H. No. 156; For the relief of Nabby Wheeler, reported the same back and recommended its being ordered to a third reading.

Laid on the table.

Also, H. No. 45; Providing for bringing suits against certain incorporated companies, reported the same back.

Said bill was ordered to a third reading to-morrow.

Also, the memorial of the Mad River and Lake Erie Railroad company for relief, reported the same back and recommended its postponement until the first Monday in December next. Agreed to.

Also, S. No. 206; To prevent railroad companies from charging a greater compensation for freight or passage than is allowed by law, reported the same back and recommended its indefinite postponement, which was agreed to.

Mr. Blocksom, from the committee on Railroads and Turnpikes, to which was referred H. No. 195; To incorporate the Mad River and Central Railroad Company, reported the same back.

Also, H. No. 210; To amend an act entitled an act to incorporate the Franklin and Springboro Turnpike Company, in Warren county, reported the same back.

Also, H. No. 236; To incorporate the Ripley and Locust Grove Turnpike Company, reported the same back with one amendment, which was agreed to.

Said bills were ordered to be read a third time tomorrow.

Mr. Backus, from the majority of the committee on Finance, to which was referred S. No. 227; Concerning the tax on lawyers and physicians, the tax on pedlars, auction duties, &c., reported the same back with one amendment.

Said bill and amendment were referred to a select committee of one—Mr. Ankeny.

Mr. Emrie, from the committee on Public Printing, to which was referred H. No. 178; Fixing the prices of printers for publishing the delinquent and forfeited lists, reported the same back with amendments which were agreed to.

Said bill was ordered to be read a third time to-morrow.

Mr. Backus, from the majority of the committee on Finance, to which was referred S. No. 150; To repeal an act entitled "an act to provide for the extinguishment of the public debt of Ohio," reported the same back and recommended its indefinite postponement.

Mr. Whitman moved a call of the Senate, which was ordered and Messrs. Claypool, Emrie, Ewing, Graham and Judy were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the indefinite postponement of the bill,

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative were

Messrs. Backus, Beaver, Bennett, Blake, Conkling, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—16.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

So the motion was lost.

The question then being on ordering the bill to be engrossed,

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the Senate refused to engross the bill.

Mr. Vinal, from the committee on Claims, made the following report, which was agreed to:

The standing committee on Claims, to whom was referred the petition of W. and J. Gallaher, H. N. Kearney and W. W. Scarbaugh, for the payment of certain national road certificates, or bonds, given by

John Yontz, have had the same under consideration and report, that from information derived from the Auditor of State's Office, they learn that a portion of the bonds held by petitioners have been rejected by the board as fraudulent, and the balance are still open for examination and adjustment.

Believing that no necessity exists for any legislative interference, the committee ask to be discharged from the further consideration of the subject.

H. VINAL, Chairman.

Mr. Chase (on leave) gave notice that on to-morrow, or some subsequent day of the present session, he would ask leave to introduce a bill further to define the duties of Prosecuting Attorneys.

Also, in accordance with previous notice, introduced the following bills:

S. No. 254; To amend the act to incorporate the Mayor and Trustees of the town of Hamilton.

S. No. 255; To incorporate the Four Mile and Seven Mile Turnpike Company.

Said bills were read the first time.

On motion of Mr. Dennison,

The committee of the whole were discharged from the further consideration of H. No. 310; To incorporate the Martinsville and Bridgeport Free Plank Road Company, in Belmont county.

Referred to Mr. Dennison.

Mr. Byers gave notice that he would, on to-morrow or some subsequent day of the session, introduce a bill to reduce the valuation for purposes of taxation of all real estate, twenty per cent.

On motion of Mr. Archbold,

The Senate adjourned.

Attest:

JOHN B. KNAPP, Jr., Clerk.

THURSDAY, MARCH 8, 1849.

Prayer by Rev. Mr. Brooks.

Mr. Lewis asked leave to record his vote on the indefinite postponement of S. No. 149; whereupon his name was called and he voted aye.

Mr. Burns presented the petitions of 47 citizens of Richland county, for a plank road from Plymouth, in Richland county, to De Kalb, in Crawford county.

Referred to a select committee of one—Mr. Burns.

Mr. Emrie, from the majority of the committee on Public Printing,

to which was referred Senate resolution relative to printing extra copies of the Auditor's report, reported the same back.

Mr. Blake moved to amend the resolution by adding "fifteen per cent. in the German language."

Mr. Burns moved to amend the amendment by striking out "fifteen per cent.," and add "one thousand copies." Agreed to.

Referred to a select committee of one—Mr. Goddard.

Mr. Corwin, from the committee on Corporations, to which was referred the petition of sundry citizens of Tuscarawas county, for the incorporation of a church, reported the same back and asked to be discharged from the consideration of the same. Agreed to.

Mr. Dennison, from the committee on the Judiciary, to which was referred S. No. 191; Concerning negotiable instruments, reported the same back with amendments.

Referred to a select committee of one—Mr. Dennison.

Mr. Bennett, from the select committee to which was referred S. No. 242; To incorporate the New Philadelphia, Leesburg and Cadis Plank Road Company, reported the same back with sundry amendments.

Referred to the committee on Railroads and Turnpikes.

Mr. Burns, from the select committee to which was referred S. No. 244, to incorporate the Bucyrus and Shelby Plank Road company, reported the same back with sundry amendments; which were agreed to.

Said bill was ordered to be engrossed and read the third time to-morrow.

Mr. Byers, from the select committee to which was referred H. No. 197, to restore John Kidwell to his legal rights and privileges, reported the same back.

Said bills were ordered to be read a third time to-morrow.

Mr. Archbold, on leave, from the committee on the Judiciary, introduced the following bill:

S. No. 256; To punish Judges for appearing as attorneys in the courts of Justices of the Peace.

Said bill was read the first time.

Mr. Myers, from the select committee to which was referred S. No. 127, to provide for the construction of culverts and gates in mill dams in the township of Sylvania in Lucas county, reported the same back.

Said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Ankeny from the select committee to which was referred S. No. 227, concerning the tax on lawyers and physicians, the tax on pedlars, auction duties, &c., reported the same back.

The question being on agreeing to the amendment,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Bennett, Blake, Byers, Claypool, Den-

nison, Dimmock, Dubbs, Goddard, Hendricks, Horton, Judy, Scott, Whitman and Speaker—16.

Those who voted in the negative, were

Messrs. Archbold, Backus, Blocksom, Burns, Chase Conklin, Corwin, Emrie, Evans, Haines, Kendall, Myers, Scott, Vinal, Wilson and Worcester—16.

So the motion was lost.

The question being on the engrossment of the bill,

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Blocksom, Burns, Chase, Conklin, Corwin, Hendricks, Kendall, Myers, Swift, Vinal, Wilson and Worcester—13.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Bennett, Blake, Byers, Claypool, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Haines, Horton, Judy, Scott, Whitman and Speaker—19.

So the Senate refused to order the bill to be engrossed.

Mr. Dennison, from the select committee to which was referred H. No. 310, to incorporate the Martinsville and Bridgeport free plank road company in Belmont county, reported the same back.

Said bill was ordered to be read a third time to-morrow.

Mr. Kendall, from the select committee to which was referred S. No. 228, authorizing the Commissioners of Scioto county to subscribe to the capital stock of the Scioto and Hocking Valley Railroad company reported the same back with amendments, which were agreed to.

The question being, Shall the bill pass?

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 27, nays 5, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Claypool, Conklin, Corwin, Dennison, Dubbs, Evans, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Myers, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—27.

Those who voted in the negative, were

Messrs. Archbold, Byers, Chase, Dimmock and Emrie—5.

So the bill was passed

The question being on agreeing to the title, it was amended as follows:

“A bill to authorize the Commissioners of Scioto and other counties to subscribe to the capital stock of the Scioto and Hocking Valley Railroad company.”

The title as amended was agreed to.

Ordered that the title be as aforesaid.

Mr. Beaver, from the select committee to which was referred H. No. 118, further to amend an act entitled an act to establish a Commercial Hospital and Lunatic Asylum for the State of Ohio, passed January 22, 1821, reported the bill back, and made the following report:

[*See Appendix, p. 336.*]

And recommended the bill be ordered to a third reading.

Laid on the table and ordered to be printed.

Mr. Bennett offered the following as an amendment to said bill:

Strike out all after the enacting clause and insert:

SEC. 1. That the trustees of Cincinnati, Hamilton county, shall hereafter admit to attendance upon the clinical lectures and surgical operations in the commercial hospital and lunatic asylum of Ohio, every person who shall pay the usual fee for a hospital ticket, under such regulations as they may deem it necessary to prescribe: *Provided*, that if the buildings, lecture rooms, and wards, shall be insufficient at any time to accommodate all the persons applying for hospital tickets, the said trustees may limit the number to be admitted, and shall prefer, in selecting that number, the students of the Medical College of Ohio, so long as the faculty of said college continue to attend gratuitously the sick and insane inmates of the said hospital and asylum.

SEC. 2. That whenever in the opinion of a majority of the said trustees for the time being, it shall be advisable to exclude the professors of the said college from further medical supervision and attendance, the trustees aforesaid may therefor petition the Court of Common Pleas, according to the usages of chancery, and the said court shall have power to exclude the said professors, or any of them, as may seem to the court more beneficial to the inmates of the said hospital and asylum.

SEC. 3. That each grand jury of Hamilton county shall visit the hospital and asylum, and report the condition and result thereof to the Court of Common Pleas of the said county, in like manner as is provided for county jails, by the several laws now in force. And the said court shall have and exercise visitatorial power over the said hospital and asylum, from and after this date, according to the usages of chancery jurisprudence.

SEC. 4. That this act shall take effect from and after the date of its passage.

On motion,

The Senate took a recess until half past 2 o'clock.

HALF PAST TWO O'CLOCK.

The question being on agreeing to the amendments,
A call of the Senate was ordered, and Messrs. Blake, Burns, Chase,

Claypool, Emrie, Evans, Ewing, Hendricks, Horton, Judy, Lewis, Patterson, Swift, Vinal, Whitman and Wilson, were absent.

A quorum being present,

On motion,

All further proceedings under the call were dispensed with.

The question being on the amendment,

Mr. Swift moved the previous question, which was ordered.

The question being, Shall the main question be now put?

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blocksom, Dimmock, Horton, Judy, Lewis, Myers, Patterson, Scott, Swift, Vinal, Worcester and Speaker—16.

Those who voted in the negative, were

Messrs. Burns, Byers, Chase, Conklin, Dennison, Dubbs, Emrie, Evans, Goddard, Haines, Hendricks, Kendall, Whitman and Wilson—14.

So the main question was ordered.

The question then being on the amendment,

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 19, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Bennett, Blocksom, Byers, Conklin, Dennison, Dimmock, Goddard, Haines, Hendricks, Horton, Kendall, Myers, Patterson, Scott, Swift, Vinal and Whitman—19.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Blake, Burns, Chase, Dubbs, Emrie, Evans, Judy, Lewis, Wilson, Worcester and Speaker—13.

So the amendment was agreed to.

The question being on ordering the bill to be read a third time,

Mr. Scott demanded the yeas and nays which were ordered, and resulted yeas 14, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Bennett, Blake, Conklin, Dennison, Dimmock, Horton, Kendall, Myers, Patterson, Swift, Vinal and Worcester—14.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Evans, Goddard, Haines, Lewis, Scott, Whitman, Wilson and Speaker—13.

So the Senate refused to order the bill to a third reading.

On motion of Mr. Archbold,

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

FRIDAY, MARCH 9, 1849.

Mr. Worcester presented the petition of F. A. Wildman, and 76 citizens of Huron county, for the repeal of all laws for the sale of intoxicating drinks, and to make it a penitentiary offence.

Mr. Goddard presented sundry petitions from A. Legget, James L. Bess, Kate Maddox and others, on the same subject.

Said petitions were severally laid on the table.

Mr. Vinal presented the petition of J. S. Morehouse and 53 other citizens of Montgomery county, for a law regulating the size of whiskey barrels.

Also, the petition of Wm. Barton, and 80 other citizens of Clark county, on the same subject.

Laid on the table.

Mr. Backus presented the petition of Samuel McIlrath, and 34 others of East Cleveland, for a law directing the Auditor of Cuyahoga county to cause certain money to be paid to said township.

Referred to the committee on the Judiciary.

Mr. Archbold presented the petition of sundry citizens of Barnesville, Belmont county, for a law to construct a railroad from Barnesville to Bridgeport, in said county.

Referred to the committee on railroads and turnpikes.

Mr. Blocksom, from the committee on railroads and turnpikes, to which was referred S. 218: To amend the act incorporating the Chagrin Falls & Cleveland Plank Road Company, reported the same back with one amendment, which was agreed to.

Said bill was then passed.

Ordered that the title be as aforesaid.

Mr. Graham, from the committee on agriculture, to which was referred House bill No. 62; Supplementary to the act to prevent injury by dogs, passed December 24, 1814.

Also, H. No. 89; To provide for the protection of sheep and to impose a tax on dogs in the counties of Belmont, Harrison, &c.

Also, a resolution instructing the committee on agriculture to inquire relative to stray laws.

Also, a remonstrance against taxing dogs.

Also, petitions asking for a law to tax dogs.

Also, sundry petitions for a law to prevent swine from running at large, reported the same back and recommended the indefinite postponement of the same, which was agreed to.

Mr. Backus, on leave, introduced the following bill:

S. No. 257; Amendatory of the act prescribing the times of holding the court of common pleas in the fourteenth judicial circuit.

Said bill was read the first time.

The constitutional rules were suspended and said bill was read a second and third time and passed.

Ordered that the title be as aforesaid.

Mr. Hendricks, from the committee on enrollment, made the following report:

The committee on enrollment report that they have examined and found correctly enrolled the following bill, to wit:

An act to authorize the city council of the city of Cincinnati to borrow two hundred thousand dollars.

Mr. Archbold, from the committee on the Judiciary to which was referred Senate preamble and resolution relative to the claim of William Burdell, reported the same back and recommended its passage.

Laid on the table.

Also, H. No. 12; To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840, reported the same back.

Also H. No. 122; To authorize the courts of common pleas to remit fines in certain cases, reported the same back.

Also, H. No. 123; To amend the act passed March 5, 1842, entitled an act to regulate the mode of collecting debts against turnpike companies in which the state is a stockholder, reported the same back.

Said bills were ordered to be read a third time to-morrow.

Also, H. No. 98; To authorize the trustees of the original surveyed township in Brown township, Athens county, to lease to the original leasees or their assigns, section 29, in said township, reported the same back and recommended its indefinite postponement.

Said bill was indefinitely postponed.

Mr. Hendricks, from the committee on Enrollment, made the following report:

The committee on enrollment report that they have examined and found correctly enrolled the following acts and resolution:

An act to amend an act entitled an act to establish a free turnpike road from Marysville, in Union county, to Kenton, in Hardin county.

An act to amend the act to incorporate the Eclectic Institute of Cincinnati, passed March 10, 1845.

An act to amend the act incorporating the Central Ohio Rail Road company.

An act to authorize the sale of section sixteen in Liberty township, Seneca county.

An act to amend the act entitled an act to fix permanently the times of holding the courts of common pleas in the second judicial circuit, passed February, 1849.

An act supplementary to the act entitled an act to incorporate the Troy and Newton Turnpike company.

An act to incorporate the St. Marys and Willshire Plank Road company.

An act for the relief of the Harrison, New Trenton, Richester and Brookville Turnpike company.

A resolution relative to giving authority to keep up a dam across the Great Miami river, in Miami county.

Mr. Conklin, from the committee on Public Buildings to which was referred S. No. 161; Amendatory of the act to provide for the profitable employment of convict labor on the new state house, passed Feb-

ruary 24, 1848, and for other purposes, reported the same back and recommended its engrossment.

A call of the Senate was ordered, and Messrs. Dimmock, Emrie, Ewing, Judy and Whitman were absent.

On motion,

Messrs. Emrie and Judy were excused.

Mr. Worcester moved to excuse Messrs. Archbold and Whitman.

Mr. Vinal moved that all further proceedings under the call be dispensed with.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 21, nays 8; as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Blake, Burns, Claypool, Conklin, Dennison, Dubbs, Evans, Goddard, Graham, Haines, Hendricks, Horton, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—21.

Those who voted in the negative were

Messrs. Ankeny, Blocksom, Byers, Chase, Myers, Patterson, Scott and Wilson—8.

So all further proceedings under the call were dispensed with.

The question being on ordering the bill to be engrossed,

Mr. Scott moved to amend the bill by striking out "seventy-five thousand dollars" and insert "forty-five thousand."

Mr. Dennison moved to recommit the bill to a select committee of one.

The question being on recommitting the bill,

Mr. Ankeny demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Bennett, Blocksom, Burns, Byers, Chase, Dennison, Dubbs, Evans, Myers, Patterson, Scott, Wilson and Speaker—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Goddard, Graham, Haines, Horton, Kendall, Lewis, Swift, Vinal and Worcester—16.

So the motion was lost.

Mr. Byers moved a call of the Senate which was ordered, and Messrs. Dimmock, Emrie, Ewing, Judy, and Whitman were absent.

Mr. Goddard moved that all further proceedings under the call be dispensed with.

Mr. Byers demanded the yeas and nays, which were ordered, and resulted—yeas 17, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott and Wilson—11.

So all further proceedings under the call were dispensed with.

Mr. Bennett, moved to refer the bill to the committee on Public Buildings.

Mr. Byers demanded the yeas and nays thereon, which were ordered, and resulted—yeas 12, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Bennett, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott and Wilson—12.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—17.

So the motion was lost.

The question being on agreeing to the amendment.

Mr. Goddard demanded a division.

The question being on striking out,

Mr. Scott demanded the yeas and nays thereon, which were ordered and resulted—yeas 22, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Blake, Blocksom, Burns, Byers, Chase, Corwin, Dennison, Dubbs, Evans, Graham, Haines, Hendricks, Horton, Lewis, Myers, Patterson, Scott, Swift, Wilson and Speaker—22.

Those who voted in the negative were

Messrs. Backus, Bennett, Claypool, Conklin, Goddard, Kendall Vinal and Worcester—8.

So the motion to strike out was agreed to.

Mr. Goddard moved to fill the blank with "sixty-five thousand dollars."

Mr. Burns moved to fill with "twenty-five thousand."

The question being on the largest amount first,

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 19, nays 11, as follows:

Those who voted in the affirmative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Hendricks, Horton, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

Those who voted in the negative were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott and Wilson—11.

So the Senate filled the blank with "sixty-five thousand dollars."

Mr. Burns moved to amend the bill as follows:

Provided no tax shall be levied for the purpose of raising the said sum of \$65,000, until the banks of this State are taxed as other property in this State is now taxed.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 12, nays 17, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Graham, Myers, Patterson, Scott and Wilson—12.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—17.

So the amendment was disagreed to.

The question being on the engrossment of the bill,

Mr. Byers moved a call of the Senate, which was ordered, and Messrs. Dimmock, Emrie, Ewing, Judy and Whitman were absent.

On motion,

Messrs. Bennett, Dimmock, Emrie, Ewing, Hendricks, Judy and Whitman were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the engrossment of the bill,

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 19, nays 11, as follows:

Those who voted in the affirmative were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Hendricks, Horton, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

Those who voted in the negative were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott and Wilson—11.

So the bill was ordered to be engrossed.

Mr. Dennison, from the committee on the Judiciary, to which was referred the majority report on the powers and duties of the State Auditor, reported the same back.

Laid on the table.

Mr. Backus; from the select committee to which was referred two remonstrances of citizens of Cleveland, asking that a law be passed to levy a tax for subscriptions to railroads on real estate alone, reported the same back and the petitions were withdrawn.

Mr. Dubbs, from the select committee to which was referred H. No. 252, to confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of the General Assembly of

Kentucky, passed Feb. 17, 1846, with certain limitations, reported the same back and recommended its passage.

Mr. Byers moved a call of the Senate, which was ordered, and Messrs. Dimmock, Emrie, Ewing, Judy, and Whitman were absent.

On motion,

Messrs. Archbold, Bennett, Claypool, Dimmock, Emrie, Judy and Whitman were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being "shall the bill pass?"

Mr. Myers moved to postpone the bill until the first Monday in December next.

Mr. Blake moved the indefinite postponement of the bill.

The question being on the postponement of the bill to the first Monday in December next,

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Blocksom, Burns, Byers, Graham, Haines, Lewis, Myers, Scott, Swift, Wilson, Worcester and Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Chase, Conklin, Corwin, Dennison, Dubbs, Evans, Goddard, Horton, Kendall, Patterson and Vinal—14.

So the motion was lost.

The question recurred on the indefinite postponement.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Blocksom, Burns, Byers, Graham, Lewis, Myers, Patterson, Scott, Swift, Worcester and Speaker—13.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Chase, Conklin, Corwin, Dennison, Dubbs, Evans, Goddard, Haines, Horton, Kendall and Vinal—14.

So the motion was lost.

The question being on the passage of the bill,

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted, yeas 16, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Chase, Conklin, Corwin, Dennison, Dubbs, Evans, Goddard, Graham, Haines, Horton, Kendall, Vinal and Wilson—16.

Those who voted in the negative, were

Messrs. Beaver, Blake, Blocksom, Burns, Byers, Lewis, Myers, Patterson, Scott, Swift, Worcester and Speaker—12.

So the bill was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Kendall,

The Senate took a recess.

THREE O'CLOCK, P. M.

The following bills were read a second time, committed to the committee of the whole Senate, and made the order of the day for this day :

H. No. 57; Concerning senators and representatives in the county of Hamilton.

H. No. 208; To amend the act to incorporate the Steubenville and Indiana Railroad company, passed Feb. 24, 1848.

H. No. 223; To authorize the sale of school lands belonging to Pitt township, Wyandott county.

H. No. 253; To incorporate the Darke county Medical Society.

S. No. 253; To amend an act regulating judgments and executions.

S. No. 254; To amend the act to incorporate the Mayor and Trustees of the town of Hamilton.

S. No. 255; To incorporate the Four Mile and Seven Mile Turnpike company.

S. No. 256; To punish judges for appearing as attorneys in the courts of justices of the peace.

The following bills were read a third time and passed :

S. No. 118; To revive the fourth section of a certain act therein named.

S. No. 195; To amend the act to incorporate the Cleveland Gas Light and Coke company.

S. No. 209; To amend an act entitled an act regulating judgments and executions, passed March 1, 1831.

S. No. 241; To extend the time of payment for the northwest quarter of section sixteen in Perry township, Morrow county.

S. No. 244; To incorporate the Bucyrus and Shelby Plank Road company.

The question being on agreeing to the title,

On motion of Mr. Burns,

The title was amended by adding after the word "Shelby" these words, "Plymouth and De Kalb."

The bill was then passed.

H. No. 79; To revive a certain act therein named.

H. No. 169; To authorize the Governor, on behalf of the State of Ohio, to make a conveyance of certain lands in Summit county belonging to said State.

H. No. 178; Fixing the prices of printers for publishing the delinquent and forfeited lists.

H. No. 210; To amend an act entitled an act to incorporate the Franklin and Springboro' turnpike company, in Warren county.

H. No. 236; To incorporate the Ripley and Locust Grove Turnpike company.

H. No. 310; To incorporate the Martinsville and Bridgeport Free Plank Road company, in Belmont county.

H. No. 195; To incorporate the Mad River and Miami Central Railroad Company.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted, yeas 21, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Blocksom, Burns, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Kendall, Lewis, Myers, Scott, Vinal, Wilson, Worcester and Speaker—21.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Byers, Chase, Dubbs, Evans, Patterson and Swift—8.

So the bill was passed.

Ordered that the titles be as aforesaid.

The following bill was read a third time:

S. No. 127; To provide for the construction of culverts and gates in mill dams in the township of Sylvania in the county of Lucas.

The question being, Shall the bill pass?

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 12, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Corwin, Graham, Myers, Patterson, Scott, Wilson, Worcester and Speaker—12.

Those who voted in the negative, were

Messrs. Archbold, Beaver, Blake, Claypool, Conklin, Dennison, Dubbs, Evans, Goddard, Haines, Horton, Kendall, Lewis, Swift and Vinal—15.

So the Senate refused to pass the bill.

S. No. 185; To amend and reduce into one, the several acts relating to the Cincinnati, Hamilton and Dayton Railroad company.

The question being on agreeing to the title,

On motion of Mr. Dubbs,

It was amended as follows—strike out "and reduce into one."

The title as amended was agreed to and the bill was passed.

Ordered that the title be as aforesaid.

S. No. 231; To amend the act entitled an act providing for the punishment of crimes, passed March 7, 1835.

Mr. Wilson moved to recommit the bill to a select committee of two.

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 10, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Burns, Byers, Chase, Dubbs, Evans, Patterson, Scott and Wilson—10.

Those who voted in the negative, were

Messrs. Archbold, Backus, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Kendall, Lewis, Myers, Swift, Vinal, Worcester and Speaker—18.

So the motion was lost.

The question being on the passage of the bill,

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted, yeas 22, nays 7, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Blake, Blocksom, Byers, Claypool, Conklin, Corwin, Dennison, Dubbs, Goddard, Graham, Haines, Horton, Kendall, Lewis, Myers, Patterson, Swift, Vinal and Worcester—22.

Those who voted in the negative, were

Messrs. Ankeny, Burns, Chase, Evans, Scott, Wilson and Speaker—7.

So the bill was passed.

Ordered that the title be as aforesaid.

H. No. 45; Providing for bringing suits against certain incorporated companies.

Referred to the committee on the Judiciary.

H. No. 197; To restore John Kidwell to his legal rights and privileges.

Referred to a select committee of one—Mr. Byers.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 31; To exempt a homestead from levy and sale on execution.

H. No. 190; To amend the act entitled an act to incorporate the town of Xenia in the county of Greene, passed February 9, 1830, and for other purposes.

H. No. 237; To incorporate the town of Palestine in the county of Darke.

H. No. 254; Supplementary to an act entitled an act to incorporate the Washington Fire Engine company of the town of Mt. Vernon, passed February 18, 1840.

H. No. 271; To incorporate the Mahoning Plank Road company.

H. No. 302; Prescribing the times of holding the courts of common pleas in the 18th judicial circuit.

H. No. 230; To extend the corporate limits of the town of Mt. Sterling in the county of Madison.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bills were severally read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill with amendments:

H. No. 281; To incorporate the town of Canfield in the county of Mahoning.

Attest:

STANLEY MATTHEWS, Clerk.

Read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has disagreed to Senate amendment to H. 243, to amend an act passed February 24, 1848, entitled an act to amend the act entitled an act for the support and better regulation of common schools and to create permanently the office of Superintendent, passed March 7, 1838, and the acts amendatory thereto.

The House has agreed to Senate amendment to House amendment to S. No. 109, to lay out and establish a graded State road in the counties of Washington and Morgan.

The House has also agreed to Senate joint resolution,

Relative to furnishing Chase's statutes to the clerk of the court of common pleas of Angiama county.

Attest:

STANLEY MATTHEWS, Clerk.

The Senate receded from its amendments to H. No. 243.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 378; To amend the act entitled an act for the improvement and repair of the Cincinnati and Cuyahoga road and for other purposes, passed February 4, 1845.

H. No. 379; In relation to a new canal in the city of Dayton.

H. No. 380; To provide for the completion of the new State House, and to repeal all acts and parts of acts and joint resolutions conflicting therewith.

Attest:

STANLEY MATTHEWS, Clerk.

34—s. j.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 352; To incorporate Sunfish Railroad company.

H. No. 373; To amend the act entitled an act to incorporate the State Bank of Ohio and other Banking companies, passed February 24, 1845, and the act amendatory thereto, passed February 24, 1848.

H. No. 374; To amend the act entitled an act to incorporate the proprietors of the Cemetery of Spring Grove, passed January 21, 1845.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following enrolled bills:

H. No. 35; To incorporate the Saving Fund Society of Woodfield.

H. No. 150; To impose an additional tax for the improvement of the Maumee and Angola road.

H. No. 61; For the relief of John D. Burwill.

H. No. 85; To repeal the charter of the Harmer and Lancaster Turnpike company, passed March 13, 1838.

H. No. 140; To extend the payment for school section 16, in Springfield township, Lucas county.

H. No. 286; To authorize Asahel Chittenden to surrender the lease for and become the purchaser of the east half of the southwest quarter of school section 16, in Scipio township, Seneca county.

S. No. 65; For the relief of the Harrison, New Trenton, Rochester and Brookville Turnpike company.

S. No. 79; To amend the act to incorporate the Eclectic Medical Institute of Cincinnati, passed March 10, 1845.

S. No. 82; To amend an act entitled an act to establish a free turnpike road from Marysville in Union county to Kenton in Hardin county.

S. No. 90; To incorporate the St. Mary's and Willshire Plank Road company.

S. No. 91. Supplementary to the act entitled an act to incorporate the Troy and Newton Turnpike company.

S. No. 191; To authorize the sale of school section 16, in Liberty township, Seneca county.

S. No. 100; To amend the act to incorporate the Central Ohio Railroad company.

S. No. 208; To amend the act entitled an act to fix permanently the times of holding the courts of common pleas in the 2d judicial circuit, passed February, 1849.

The Speaker of the House has signed the following joint resolutions:

Relative to giving authority to keep up a dam across the Great Miami river in Miami county.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. No. 272; To amend the act entitled an act to incorporate the Portage county Mutual Fire Insurance company, passed February 11, 1832.

S. No. 65; For the relief of the Harrison, New Trenton, Rochester, and Brookville Turnpike company.

S. No. 75; To amend the act to incorporate the city of Cleveland, and the several acts amendatory thereto.

S. No. 79; To amend the act to incorporate the Electric Medical Institution of Cincinnati, passed March 10, 1845.

S. No. 82; To amend an act entitled an act to establish a free turnpike road from Waynesville, in Union county, to Kenton in Hardin county.

S. No. 91; Supplementary to the act entitled an act to incorporate the Troy and Newton Turnpike company.

S. No. 100; To amend the act to incorporate the Central Ohio Railroad company.

S. No. 114; Granting the right of way to the junction Railroad company, and extend its privileges.

S. No. 119; To authorize the sale of section sixteen, in Liberty township, Seneca county.

S. No. 123; To incorporate the Trustees of the Pomeroy Academy.

S. No. 155; To incorporate the Liberty Township Turnpike company.

S. No. 173; To incorporate the Columbus Art Union.

S. No. 182; To incorporate the Ohio Education Society of the Evangelical Lutheran Church, with an amendment.

S. No. 19; To incorporate the Springfield Gas Light and Coke company, with amendment.

S. No. 28; To amend the act entitled an act to fix permanently the times of holding the courts of common pleas in the second judicial circuit, passed February 1849.

Attest:

STANLEY MATTHEWS, Clerk.

House bill was read the first time.

House amendments to S. No. 75, were agreed to.

House amendment to S. No. 19, was agreed to.

House amendment to S. No. 182, was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time:

H. No. 382; To amend an act entitled an act for the preservation and repair of the National road, and for the collection of tolls thereon, passed March 13, 1843, and for other purposes.

H. No. 383; To authorize the town council of Akron to levy a tax to liquidate the debts due from said town.

H. No. 384; To incorporate the town of Fredericktown, in the county of Knox.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to the sale of stone from the State quarry.

Attest:

STANLEY MATTHEWS, Clerk.

House resolution was agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bill:

H. No. 239; To incorporate the Warren county Farmer's Mutual Fire Insurance company.

Attest:

STANLEY MATTHEWS, Clerk.

House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced and read the first time:

H. No. 369; To incorporate the Manchester and Bentonville Turnpike company.

H. No. 370; To erect the county of Walbonding.

H. No. 371; To authorize the city council of Cincinnati to levy an additional tax in aid of the disabled Firemen's fund.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill:

S. No. 81; To authorize the city council of the city of Cincinnati to borrow two hundred thousand dollars.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

H. No. 80; To incorporate the town of Wapakonnetta, in the county of Auglaize.

H. No. 92; To amend the act entitled an act further to amend the act entitled an act to incorporate the town of Painesville, passed Feb. 3, 1847.

H. No. 166; To authorize the sale of a part of school section sixteen in Smithfield township, Jefferson county.

H. No. 173; To authorize the sale of the south half of school section twenty four, granted to Washington township, now in Morrow county.

H. No. 174; To amend an act entitled an act to incorporate the Dayton and Xenia turnpike road company, passed February 28, 1845.

H. No. 176; To amend the act to incorporate the city of Sandusky, in Erie county, and for other purposes, passed March 6, 1845.

H. No. 177; To incorporate the Walnut street Baptist church of Cincinnati.

H. No. 181; To repeal part of the act entitled an act to lay out and establish a free turnpike road from Delaware, in Delaware county, to Kenton in Hardin county, passed February 3, 1848.

H. No. 185; To incorporate the Dayton, Xenia and Water Vliet Valley turnpike company.

H. No. 211; To lay out and establish a turnpike road from the Midlandtown and West Alexandria turnpike to the West Elkton turnpike.

H. No. 217; To authorize the sale of section sixteen in Madison township, Williams county.

H. No. 221; To incorporate the German Evangelical Lutheran and German Reformed United Protestants congregation of Seneca township, Seneca county, Ohio.

H. No. 226; To incorporate Sharon railroad company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following preamble and resolutions, in which the concurrence of the Senate is requested:

Relative to the reduction of the price of public lands.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Goddard moved to postpone the future consideration of House joint resolution until the first Monday in December next.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted—yeas 7, nays 22, as follows:

Those who voted in the affirmative, were

Messrs. Corwin, Goddard, Haines, Horton, Kendall, Worcester and Speaker—7.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dennison, Dubbs, Evans, Graham, Lewis, Myers, Patterson, Scott, Swift, Vinal and Wilson—22.

So the motion was lost.

The question recurring on the passage of the resolution;

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 23, nays 5, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dennison, Dubbs, Evans, Graham, Horton, Lewis, Myers, Patterson, Scott, Swift, Vinal, Wilson and Worcester—23.

Those who voted in the negative, were

Messrs. Corwin, Goddard, Haines, Kendall and Speaker—5.

So the resolution was agreed to.

Mr. Conklin on leave, in accordance with previous notice introduced the following bill:

S. No. 256; To authorize subscription to the capital stock of the Bellefontaine and Indiana railroad company by towns and townships on the line of said road.

Said bill was read the first time.

Mr. Graham offered for adoption the following:

Resolved, That both branches of this General Assembly do adjourn on Wednesday the 21st day of March instant; *sine die*.

Mr. Scott moved to strike out "21st," and insert "26th."

Mr. Byers moved that the Senate adjourn.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 12, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott and Wilson—12.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—17.

So the motion was lost.

Mr. Byers moved a call of the Senate, which was ordered and Messrs. Bennett, Dimmock, Emrie, Ewing, Judy and Whitman were absent.

On motion,

Messrs. Bennett, Dennison, Dimmock, Emrie, Ewing, Hendricks, Judy and Whitman were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on agreeing to the amendment,

Mr. Byers demanded the yeas and nays, which were ordered and resulted—yeas 13, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott, Swift and Wilson—13.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was lost.

Mr. Wilson moved to amend the resolution as follows:

“Strike out the “21st,” and insert, ‘as soon as the business of the session can possibly be accomplished.’”

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted, yeas 13, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott, Swift and Wilson—13.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Goddard, Graham, Haines, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the motion was lost.

Mr. Goddard moved the previous question.

The question being, “Shall the main question be now put?”

Mr. Byers demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Goddard, Graham, Haines, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott, Swift and Wilson—13.

So the previous question was sustained.

The question being on the adoption of the resolution,

Mr. Burns moved that the Senate adjourn.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 11, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott and Wilson—11.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Beaver, Blake, Claypool, Conklin, Corwin, Goddard, Graham, Haines, Horton, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—17.

So the Senate refused to adjourn.

The question being on the adoption of the resolution,

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Goddard, Graham, Haines, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Myers, Patterson, Scott, Swift and Wilson—13.

So the resolution was agreed to,

Mr. Goddard moved that the Senate take a recess until 7½ o'clock P. M.

Mr. Byers moved that the Senate adjourn.

The question being on adjournment,

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 12, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Graham, Myers, Patterson, Scott, Swift and Wilson—12.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Evans, Goddard, Haines, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the motion was lost.

The question recurring on taking a recess,

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Evans, Graham, Myers, Patterson, Scott, Swift and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, God-

dard, Haines, Horton, Kendall, Lewis, Vinal, Worcester and Speaker—14.

So the motion was lost.

Mr. Corwin moved that the Senate take a recess until 7½ o'clock P. M.

Mr. Byers moved a call of the Senate, which was ordered, and Messrs. Archbold, Bennett, Dimmock, Dennison, Emrie, Ewing, Judy and Whitman were absent.

On motion,

All further proceedings under the call were dispensed with.

Mr. Byers moved the Senate adjourn.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 12, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blocksom, Burns, Byers, Chase, Evans, Graham, Myers, Patterson, Scott, Swift and Wilson—12.

Those who voted in the negative, were

Messrs. Backus, Blake, Conklin, Corwin, Goddard, Haines, Horton, Kendall, Lewis, Vinal and Speaker—11.

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

SATURDAY, MARCH 10, 1849.

Mr. Myers presented two petitions of 82 citizens and residents of Wood and Henry counties, that the road tax be expended in the district in which it belongs.

Referred to the committee on roads and highways.

Mr. Goddard, from the committee on public works, to which was referred the memorial of James Durbin, for the payment of interest on a certain check, made the following report:

(See Appendix, p. 313.)

Referred to a select committee of two—Messrs. Myers and Archbold.

Mr. Hendricks, from the committee on enrolment, made the following report:

The committee on enrolment report that they have examined and found correctly enrolled, the following acts:

An act to incorporate the Ohio Educational Society of the Evangelical Lutheran Church.

An act to incorporate the City Insurance Company of Cincinnati.

An act to incorporate the Liberty Township Turnpike company.

An act to incorporate the Columbus Art Union.

An act to provide for taxing certain lands sold by the United States.

An act to incorporate certain towns therein named.

An act to lay out and establish a graded state road in the counties of Washington and Morgan.

An act to incorporate the trustees of the Pomeroy Academy.

An act granting the right of way to the Junction Railroad company and extending its privileges.

Mr. Archbold, from the committee on the Judiciary, to which was referred S. No. 215; To amend the act entitled an act to abolish imprisonment for debt, passed March 19, 1838, reported the same back, and recommended its engrossment, which was agreed to.

Mr. Blocksom, from the committee on railroads and turnpikes, to which was referred S. No. 242; To incorporate the New Philadelphia, Leesburg and Cadis Plank Road company, reported the same back with sundry amendments, which were agreed to, and the bill was ordered to be engrossed.

Said bills were ordered to be read a third time on Monday next.

Also S. No. 205; To incorporate the Waterville and Lafayette Free Turnpike road, in the counties of Lucas, Henry and Williams, reported the same back, and recommended that the bill be postponed until the 1st Monday in December next, which was agreed to.

Also, from the same committee, introduced the following bill:

S. No. 259; To incorporate the Barnesville Railroad company.

Said bill was read the first time.

Mr. Vinal, from the majority of the committee on claims, to which was referred the claim of Dedrick Henders for damages, made the following report:

(See Appendix, p: 531.)

And introduced the following resolution:

Resolved by the General Assembly of the State of Ohio, That the acting commissioner of public works on the Miami extension canal, be and he is hereby authorized to issue his check on the Treasurer of State, in favor of Dedrick Henders, for the sum of thirteen hundred dollars, to be paid out of the general canal fund, in the same manner and under the same provisions now governing payments on the canals of this State, except that the certificate of the resident engineer may be dispensed with.

The question being on the adoption of the resolution, Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted yeas 9, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Burns, Byers, Conklin, Dubbs, Emrie, Evans, Judy, Scott, and Vinal—9.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Claypool, Corwin, Goddard, Graham, Haines, Horton, Kendall, Lewis, Myers, Swift, Wilson, Worcester and Speaker—19.

So the resolution was disagreed to.

Mr. Myers, from the committee on roads and highways, to which was referred H. No. 261; To amend an act to authorize the trustees of townships, in certain counties, to levy an additional road tax, passed February 22, 1848, reported the same back, and said bill was ordered to be read a third time on Monday next.

The following bills were read the second time, committed to a committee of the whole Senate, and made the order of the day for this day:

S. No. 258; To authorize subscription to the capital stock of the Bellefontaine and Indiana Railroad company, by towns and townships on the line of said road.

H. No. 31; To exempt a Homestead from levy and sale on execution.

H. No. 129; To reduce the price of the State Canal Lands, and to confine the sale thereof in tracts not exceeding one hundred and sixty acres to actual settlers.

H. No. 190; To amend the act entitled an act to incorporate the town of Xenia, in the county of Green, passed February 9, 1830, and for other purposes.

H. No. 230; To extend the corporate limits of the town of Mt. Sterling, in the county of Madison.

H. No. 237; To incorporate the town of Palestine, in the county of Darke.

H. No. 239; To incorporate the Warren County Farmer's Mutual Fire Insurance company.

H. No. 254; Supplementary to an act entitled an act to incorporate the Washington Fire Engine Company, of the town of Mt. Vernon, passed February 18, 1840.

H. No. 271; To incorporate the Mahoning Plank Road Company.

H. No. 272; To amend the act entitled an act to incorporate the Portage County Mutual Fire Insurance company, passed Feb. 11, '32.

H. No. 281; To incorporate the town of Oanfield, in the county of Mahoning.

H. No. 302; Prescribing the times of holding the courts of common pleas, in the eighteenth Judicial circuit.

H. No. 272, was referred to a select committee of one—Mr. Swift.

H. No. 31, was referred to the committee on the Judiciary.

H. No. 190 and 239, were referred to the committee on corporations.

H. No. 362, was referred to a select committee of one—Mr. Scott.

S. No. 258, was referred to a select committee of three—Messrs. Conklin, Burns and Judy.

The following bills were read a third time and passed:

H. No. 12; To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

H. No. 122; To authorize the courts of common pleas to remit fines in certain cases.

H. No. 123; To amend the act passed March 5, 1842, entitled an act to regulate the mode of collecting debts against turnpike companies, in which the State is a stockholder, and to authorize the companies to appropriate their portion of the tolls for the completion of the roads and for other purposes, and the several acts amendatory thereof.

The following bill was read a third time:

S. No. 161; Amendatory of the act to provide for the profitable employment of convict labor on the new state house, passed February 24, 1848, and for other purposes.

Mr. Burns moved to amend the bill by way of rider, as follows:

Provided, The tax which may be levied for the purpose of raising said sum of \$65,000, shall be levied on all property in this State according to its true value, including the banks now in existence, as well as those which may be established.

Mr. Conklin moved a call of the Senate, which was ordered and Messrs. Bennett, Dimmock, Ewing, Hendricks, Patterson and Whitman were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on agreeing to the amendment,

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted yeas 14, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archibald, Blockson, Burns, Byers, Chase, Dubbs, Emrie, Evans, Graham, Myers, Scott, Swift and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the amendment was disagreed to.

The question being "Shall the bill pass?"

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted yeas 19, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—19.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Evans, Myers, Patterson, Scott and Wilson—12.

So the bill was passed.

The question being on agreeing to the title so as to read:

A bill to make an appropriation for the new state house.

The same gentleman demanded the yeas and nays, which were ordered and resulted yeas 12, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Evans, Myers, Scott and Wilson—12.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

So the amendment was disagreed to.

The title was agreed to.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendment to H. No. 189; To incorporate Maunee City Plank Road company, with an amendment.

Attest:

STANLEY MATTHEWS, Clerk.

The Senate agreed to House amendment to Senate amendments.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

S. No. 74; To amend the act entitled an act to incorporate the Medina County Mutual Fire Insurance company, with an amendment.

Attest:

STANLEY MATTHEWS, Clerk.

Referred to a select committee of one—Mr. Blake.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

S. No. 16; To provide for the sale of section sixteen in Carryall township, Paulding county.

S. No. 42; To repeal the act entitled an act to authorize the town of Hamilton, to borrow money and for other purposes.

S. No. 66; To provide for the sale of certain school lands therein named, situated in Washington township, Miami county.

S. No. 106; To authorize the directors of school districts No. 13 in

Jefferson township, Fayette county, Ohio, to sell and convey certain real estate.

S. No. 138; To authorize the sale of certain lands therein named.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives;

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

S. No. 72; To provide for taxing certain lands sold by the United States.

S. No. 109; To lay out and establish a graded State road in the counties of Washington and Morgan.

S. No. 114; Granting the right of way to the Junction Railroad Company, and extending its privileges.

S. No. 123; To incorporate the trustees of the Pomeroy Academy.

S. No. 155; To incorporate the Liberty township Turnpike Company.

S. No. 173; To incorporate the Columbus Art Union.

S. No. 182; To incorporate the Education Society of the Evangelical Lutheran Church.

S. No. 213; To incorporate certain towns therein named.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives;

Mr. Speaker:

The House has passed the following bill with an amendment:

S. No. 97. To amend an act entitled an act to incorporate the Manufacturers Insurance Company of Cincinnati, passed March 15, 1836, with an amendment.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to S. No. 97, agreed to.

Message from the House of Representatives:

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill:

S. No. 40; To incorporate the City Insurance Company of Cincinnati.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bill:

H. No. 325; Making appropriations for the year one thousand eight hundred and forty-nine.

Attest:

STANLEY MATTHEWS, Clerk.

House bill was read the first time.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

S. No. 23; To amend the act entitled an act to incorporate the Toledo Plank Road Company, passed January 28, 1848.

S. No. 58; To incorporate the Toledo and Woodville Plank Road Company.

S. No. 40; To incorporate the City Insurance Company of Cincinnati.

S. No. 54; For the better support of common schools in Perryburgh, Wood county.

S. No. 59; To authorize the sale of north west qr. section No. 32 township 8 north, range 12 east, in the county of Wood.

S. No. 89; To incorporate the St. Mary's and Wapakonetta Plank Road Company, (with amendments.)

S. No. 120; To authorize the City Council of Columbus to occupy a part of a certain street and alley therein mentioned for a Market House.

S. No. 112; In relation to taxes, schools and sewers in the city of Toledo.

S. No. 137; To authorize the trustees of Perry township, in the county of Columbiana, to levy a tax to erect a town Hall and Market House in said township, (with an amendment.)

S. No. 151; To incorporate the Cleveland and Willoughby Plank Road company, with amendments.

S. No. 168; To incorporate the Cadis High Schools.

S. No. 197; To authorize the sale of school lands belonging to Madison township, (fractional) Clark county.

S. No. 204; To amend the act entitled an act fixing the times of holding the court of Common Pleas in the 11th judicial circuit, passed February 7, 1848.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to S. No. 89, agreed to. Also, House amendments to S. No. 137. Also, House amendments to S. No. 151.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill with an amendment:

S. 257: Amendatory of the act prescribing the times of holding the courts of common pleas in the fourteenth judicial circuit, with an amendment.

Attest:

STANLEY MATTHEWS, Clerk.

House amendment to S. 257, was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution in which the concurrence of the Senate is requested:

Authorizing the Board of Public Works to lease out water power belonging to the State.

Attest:

STANLEY MARTINOWA, Clerk.

Said House joint resolution was committed to the committee on public works and public lands.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. 191: To amend the act entitled an act to create the office of Attorney General and to prescribe his duties, passed February 16, 1846, and the act amendatory thereto.

H. 192: For the more speedy administration of justice in Hamilton county.

H. 224: To provide for the appointment of trustees to minors residing out of the State and having property in the same.

H. 227: Amendatory of the act entitled an act supplementary to the act pointing out the mode of levying taxes, passed February 12, 1841.

H. 231: Concerning the docket of Jeremiah Moore, deceased, late justice of the peace in Fairfield county.

H. 232: To incorporate the Circleville, Darbyville & London turnpike road company.

H. 294: To incorporate the St. Johns Church of Evangelical Protestants of Beaver township, in the county of Pike.

H. 295: To incorporate the Roman Catholic St. Peter's Association of the Germans of Cincinnati.

H. 317: To extend the time of payment for school section 16, in Canton township, Stark county.

H. 327: To incorporate the London & Mt. Sterling turnpike company.

H. 346: To incorporate the Stillwater & Darke county turnpike company.

H. 350: To alter the plat of the village of Sullivan, in Ashland county.

H. 359: To extend the time of payment to purchasers of school section 16, in township 4 and range 4, in Warren county.

H. 218: To authorize the sale of certain school lands in Muskingum county.

H. 219: To incorporate the Alexander Presbyterian Church, of Hibbardsville, in the county of Athens.

H. 228: To incorporate the Mt. Pleasant Academy, in Kingston, Ross county.

H. 229: To lay out and establish a State road in the counties of Jackson and Athens.

H. 216: To authorize the town council of Miamisburgh to levy a tax to construct a free turnpike road.

H. 247: To extend the corporate limits of the town of Clarington, in the county of Monroe.

H. 275: To extend the corporate limits of the town of Mt. Gilead, Morrow county, in this State.

H. 285: To amend an act entitled an act to lay out and establish a graded State road in the counties of Gallia and Jackson.

H. 293: To authorize the sale of certain forfeited lands in Wyandotte county.

H. 307: To attach sections 1 and 2, in Bloomfield township, Richland county, to Sandusky township, in said county.

H. 322: To incorporate the St. Salem's Church of the Evangelical Protestants of Scioto township, in the county of Jackson.

S. 81: To authorize the city council of the city of Cincinnati to borrow such sums of money as may be required for the improvement of the city water works.

S. 94: To amend an act entitled an act to incorporate the Cincinnati Insurance company, passed February 7, 1849, with amendments.

S. 184: To incorporate the Delaware, Marysville, Milford, Mechanicsburgh & Springfield railroad company, with amendments.

S. 213: To incorporate certain towns therein named.

S. 96: To amend an act entitled an act to incorporate the Washington Insurance company of Cincinnati, passed March 14, 1836.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to S. 96 were agreed to.

House amendments to S. 184 were agreed to.

The Speaker laid before the Senate the special report of the Attorney General relative to the title of the old penitentiary lot in Columbus.

[*See Pub. Doc.*]

Referred to a select committee of one—Mr. Goddard.

Also, the special report of the Warden of the Ohio Penitentiary, rendering an excuse for not answering a resolution of the Senate.

[*See Pub. Doc.*]

Laid on the table.

Also, the special report of the Governor, relative to the act relating to roads between the States of Pennsylvania and Ohio.

(*See Vol. Pub. Doc.*)

Referred to a select committee of one—Mr. Beaver.

Also, the special report of the Auditor of State, relative to the expenses of Messrs. Marsh, Nash and Adams, committee to examine certain alleged defalcations, &c., &c.

[*See Pub. Doc.*]

Laid on the table to be printed.

On motion of Mr. Dennison,

35—S. J.

The report of the majority of the committee on the judiciary, relative to the powers and duties of the State Auditor, was taken up, and the report was

Ordered to be printed.

Mr. Goddard moved to reconsider the vote taken on Senate bill 227, relative to tax on lawyers, physicians, &c.

Mr. Byers demanded the yeas and nays thereon, which were ordered, and resulted yeas 11, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Blake, Conklin, Dennison, Evans, Goddard, Haines, Horton, Lewis, Myers and Vinal—11.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Blocksom, Burns, Byers, Chase, Claypool, Corwin, Dubbs, Emrie, Graham, Judy, Kendall, Patterson, Scott, Swift, Wilson, Worcester and Speaker—20.

So the motion was lost.

On motion of Mr. Backus,

Resolved, That the Auditor of State be requested to communicate to the Senate copies of all reports on file in his office made by agents appointed by the Bank Commissioners, to examine the banks of this State during the past year, which have not been heretofore communicated to the Senate or House of Representatives.

On motion of Mr. Conklin,

Resolved, That when the Senate adjourns, it will adjourn to meet at 9 o'clock the succeeding business day, and when it takes a recess, it shall be until 2 o'clock of the same day.

On motion of Mr. Swift,

H. 156: For the relief of Nabby Wheeler, was taken up.

The question being, Shall the bill pass?

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 30, nays 1, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Graham, Haines, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Wilson, Worcester and Speaker—30.

Those who voted in the negative, were

Mr. Goddard—1.

So the bill was passed.

Ordered that the title be as aforesaid.

On motion of Mr. Chase,

The committee of the whole were discharged from the further consideration of Senate bills 254 and 255, and said bills were referred to the committee on corporations.

Mr. Burns offered for adoption the following, which was disagreed to.

Resolved, That the messenger boys of the Senate for the present session be allowed the sum of one dollar per day.

Mr. Haines asked and obtained leave to change his vote on the passage of H. 252: To erect a bridge over the Ohio at Cincinnati.

Mr. Haines being called, voted *Nay*.

On motion of Mr. Byers,

The Senate took a recess.

TWO O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Blake, Chase, Claypool, Conklin, Dennison, Dubbs, Horton, Judy, Patterson and Swift, were absent.

On motion,

All further proceedings under the call were dispensed with.

Mr. Goddard, on leave, from the select committee to which was referred S. 37: Prescribing the time of holding the supreme court, reported the same back.

Said bill was ordered to be engrossed and read a third time on Monday.

On motion of Mr. Backus,

The Senate resolved itself into the committee of the whole on the order of the day, Mr. Vinal in the chair, and after some time spent therein, rose and reported the following bills, some with and some without amendment:

S. 236: To authorize the Canal Fund Commissioners to exchange certain certificates of the funded debt of the State.

S. 237: In relation to grand and petit jurors in Cuyahoga county.

S. 238: In relation to coroners' juries.

S. 239: To incorporate the Society of Savings in the city of Cleveland.

Said bills were ordered to be engrossed and read a third time on Monday next.

S. 240: Recognizing the New Orleans and Ohio telegraph company, as a body corporate and politic, within the State of Ohio.

Referred to the committee on corporations.

S. 243: To amend the several acts incorporating turnpike companies in this State.

Ordered to be engrossed and read a third time on Monday.

S. 245: To detach certain sections from Morrow county, and attach the same to Richland county.

Referred to the committee on New Counties.

S. 247: To amend the act entitled an act for the better regulation of public schools in cities, towns, &c., passed February 15, 1849.

Referred to the committee on schools and school lands.

S. No. 249: To amend the act to create the office of county Surveyor.

Referred to the committee on the judiciary.

S. No. 250: To incorporate the Lower Sandusky and Rollettsville Plank Road Company.

Referred to the committee on Rail Roads and Turnpikes,
S. No. 251; To amend the several acts relating to the Cincinnati,
Hamilton and Dayton Rail Road Company.

Said bill was indefinitely postponed.

S. No. 252; To change certain Representative Districts therein
named.

Referred to a select committee of one—Mr. Myers.

H. No. 29; To regulate proceedings before Justices of the Peace.

Referred to a select committee of one—Mr. Burns.

H. No. 158; To amend the several acts now in force to regulate
the practice of the Judicial Courts.

Referred to a select committee of one—Mr. Goddard.

Mr. Byers on leave, from the select committee to which was referred
H. No. 17; to restore John Kidwell to his legal rights and privileges,
reported the same back and recommended its indefinite postponement,
agreed to.

Mr. Beaver on leave, introduced the following bill:

S. No. 261; To provide for the opening and repair of roads and
highways, on the east line of the State of Ohio.

Said bill was read the first time.

The constitutional rule was dispensed with and said bill was read
the second time and referred to a select committee of one—Mr.
Beaver.

Mr. Wilson on leave, from the committee on the Militia, introduced
the following bill:

S. No. 262; To repeal the several acts therein named regulating the
Militia.

On motion of Mr. Goddard,

The Senate resolved itself into the committee of the whole on the
orders of the day; Mr. Wilson in the chair, and after some time spent
therein, rose and reported the following bills, some with and some
without amendments.

H. No. 189; To incorporate the Four Mile Valley Rail Road
Company.

H. No. 204; To incorporate the Miamisburg Western Free Turn-
pike road.

H. No. 205; To incorporate the Troy, Stanton and Loss Creek
Turnpike Road Company.

H. No. 207; To authorize the Trustees of Upper township, Lawrence
county, to levy taxes for certain purposes.

Said bills were ordered to be read a third time on Monday.

H. No. 213; To amend an act entitled an act for the support and
better regulation of common schools, and to create the office of Su-
perintendent, passed March 7, 1838.

Referred to the committee on schools and school lands.

H. No. 222; Repealing an act entitled an act incorporating the
town of Benton, in the county of Crawford.

Ordered that the bill be read a third time on Monday.

H. No. 226; To incorporate the Dry Ridge Universalist Society of
Green township, Hamilton county.

H. No. 241; To attach South and Bass Islands to Erie county.
Said bills were ordered to be read a third time on Monday.

H. No. 249; To incorporate the Cincinnati, Batavia and Williamsburg Rail Road Company.

Referred to a select committee of one—Mr. Evans.

H. No. 250; To lay out and establish a State road from Liberty township, in Putnam county, to the Van Buren, Independence and Ridgeville free turnpike road, in Henry county.

H. No. 255; To repeal an act to lay out and establish a certain free turnpike therein named.

H. No. 257; To authorize the sale of the northwest quarter of school section one, in Buck township, Harden county.

Said bills were ordered to be read a third time on Monday.

H. No. 240; To incorporate the Trumbull, Portage and Geauga Plank Road Company.

Referred to the committee on Rail Roads and Turnpikes.

On motion,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Conklin in the chair, and after some time spent therein, rose and reported back the following bills:

H. No. 269; To incorporate the Bentonville and New Market Turnpike Company.

H. No. 270; To authorize the sale of school land in Elizabeth township, Lawrence county, in this State.

H. No. 274; To incorporate the Elizabethtown and Clevestown Turnpike Company.

H. No. 276; To authorize the Trustees of Clay township, in Knox county, to redistrict said township, for school purposes.

H. No. 287; To extend the time for the payment of the purchase money of section sixteen, township No. 3, of the United States Reserve, of twelve miles square in Lucas county.

H. No. 258; To lay out and establish a free turnpike road from Defiance, in Defiance county, to the Indiana State line, at the point where the Fort Wayne road now crosses said State line in the county of Paulding.

Said bills were severally ordered to be read a third time on Monday.

H. No. 290; To incorporate the Greene and Mill Creek township, Turnpike Company.

Referred to a select committee of one—Mr. Dubbs.

H. No. 305; To lay out and establish a State road in the counties of Jackson, Athens and Gallia.

Ordered to be read a third time on Monday.

H. No. 57; Concerning Senators and Representatives in Hamilton county.

Referred to the standing committee on the judiciary.

H. No. 309; To amend the third section of an act passed February 24th, 1848, entitled an act to incorporate the Great Western Rail Road Company.

Ordered to be read a third time on Monday.

H. No. 208; To amend the act to incorporate the Steubenville and Indiana Rail Road Company, passed February 24, 1848.

Referred to a select committee of one—Mr. Lewis.

H. No. 220; To authorize the sale of school lands belonging to Pitt township, Wyandott county.

Ordered to be read a third time on Monday.

H. No. 253; To incorporate the Darke county Medical Society.

Referred to the standing committee on Medical Colleges and Societies.

Mr. Beaver from the select committee to which was referred S. No. 261; To provide for the opening and repair of roads and highways on the line between the States of Pennsylvania and Ohio; reported the same back.

Said bill was engrossed at the Clerk's desk and read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Worcester (on leave) from the select committee to which was referred H. No. 213; To amend the act passed March 11th, 1843, entitled an act to further amend the act for the support and better regulation of Common Schools, &c., passed March 7, 1838.

Reported the same back.

Said bill was ordered to be read a third time on Monday.

Mr. Blake (on leave) from the select committee to which was referred S. No. 74; To amend the act entitled "an act to incorporate the Medina county Mutual Fire insurance Company," with House amendment to the same reported the bill back and recommended that the Senate disagree to House amendment, which was agreed to.

Mr. Worcester moved that a message be transmitted to the House to request the return of House bill No. 252.

Mr. Goddard moved a call of the Senate which was ordered and Messrs. Ankeny, Bennett, Claypool, Dimmock, Emrie, Ewing, Graham, Hendricks, Horton, Myers, Swift, and Whitman were absent.

The question being on excusing Messrs. Ewing and Haines.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 26, nays 3.

Those who voted in the affirmative were,

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Evans, Goddard, Graham, Haines, Judy, Kendall, Lewis, Myers, Patterson, Scott, Wilson, Worcester and Speaker—26.

Those who voted in the negative were.

Messrs. Beaver, Blake and Swift—3.

So Messrs. Ewing and Haines were excused.

Mr. Blake moved that Mr. Emrie, be excused.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 11, as follows;

Those who voted in the affirmative were

Messrs. Beaver, Blake, Burns, Byers, Chase, Claypool, Evans, Graham, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Wilson Worcester and Speaker—17.

Those who voted in the negative were

Ankeny, Archbold, Blocksom, Backus, Conklin, Corwin, Dennison, Dubbs, Goddard, Kendall and Vinal—11.

So Mr. Emrie was excused.

Mr. Scott was then excused from voting.

On motion all further proceedings under the call were dispensed with.

The question recurred on despatching the message to the House for the return of the bill.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 14, as follows :

Those who voted in the affirmative were

Messrs. Beaver, Blake, Blocksom, Burns, Byers, Chase, Evans, Lewis, Myers, Patterson, Swift, Wilson, Worcester and Speaker—14.

Those who voted in the negative were,

Messrs. Ankeny, Archbold, Backus, Claypool, Conklin, Corwin, Dennison, Dubbs, Goddard, Graham, Horton, Judy, Kendall and Vinal—14.

So the motion was lost.

On motion

The Senate adjourned.

Attest :

JOHN K. KNAPP, JR., Clerk.

MONDAY, MARCH 12, 1849.

A call of the Senate was ordered and Messrs. Ankeny, Archbold, Backus, Chase, Claypool, Conklin, Dimmock, Ewing, Patterson, Scott, Whitman and Worcester were absent.

A quorum appearing in the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Ankeny presented the proceedings of a public meeting of tax payers, on the Bennington and Mt. Glead free turnpike road, in opposition to the repeal of the same.

Referred to a select committee of one, Mr. Dennison.

The Speaker presented the remonstrances of certain citizens of Benton, Crawford county, against the repeal of the charter of said town.

Mr. Wilson presented a communication from Laban Perdue in favor of a repeal of the same.

Laid on the table.

Mr. Hendricks presented the remonstrance of John Weaver and others, commissioners of a free turnpike road in Montgomery county, against vacating the same.

Referred to the committee on Roads and Highways.

Also the petition of F. Marsh and others, for the revival of a charter for a free turnpike, from Eaton to Sugar Valley.

Referred to a select committee of one, Mr. Hendricks.

Mr. Dennison, from the committee on the Judiciary to which was referred S. No. 191; Concerning negotiable instruments, reported the same back with two amendments.

The question being on agreeing to the first amendment.

Mr. Kendall demanded the yeas and nays thereon which were ordered and resulted—yeas 13, nays 15, as follows;

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Blake, Claypool, Conklin, Corwin, Dennison, Dubbs, Hendricks, Judy, Myers, Swift, and Worcester—13.

Those who voted in the negative, were

Messrs. Backus, Blocksom, Burns, Byers, Emrie, Evans, Goddard Haines, Horton, Kendall, Lewis, Scott, Vinal, Wilson and Speaker—15.

So the amendment was disagreed to.

The second amendment was also disagreed to.

The bill was then ordered to be engrossed.

Mr. Bennett from the committee on Medical Colleges and Societies to which was referred H. No. 253; To incorporate the Darko county Medical Society, reported the same back.

Mr. Worcester from the committee on Schools and School Lands, to which was referred S. No. 247; To amend the act entitled "an act for the better organization of Public Schools in cities, towns, &c., passed Feb. 15, 1849," reported the same back; ordered to be engrossed.

Mr. Blocksom from the committee on Railroads and Turnpikes to which was referred S. No. 250; To incorporate the Lower Sandusky and Rollersville plank road company, reported the same back; ordered to be engrossed.

Also S. No. 255; To incorporate the Four Mile and Seven Mile Turnpike company, reported the same back; ordered to be engrossed.

Also H. No. 240: To incorporate the Trumbull, Portage and Genauga plank road company, reported the same back with two amendments, which were agreed to.

Said bills were ordered to be read a third time to-morrow.

Mr. Goddard from the committee on Public Works and Public Lands, to which was referred the resolution relative to constructing railroads along the public canals &c., reported the same back and made the following report:

(See Appendix, p. 16.)

Laid on the table to be printed.

The committee recommended the indefinite postponement of said resolution, which was agreed to.

Also from the same committee introduced the following resolution, which was agreed to :

Resolved, By the General Assembly of the State of Ohio, that the resolution passed March 11, 1843, authorising the Board of Public Works to take gravel from the old penitentiary lot, be and the same is hereby rescinded.

Mr. Hendricks, from the select committee on the subject, introduced the following bill :

S. No. 263 ; To revive the act entitled " an act appointing commissioners to lay out and establish a free turnpike road from Eaton to Sagar valley, in Preble county, passed Feb. 1848.

Said bill was read the first time.

Mr. Lewis, from the select committee to which was referred H. No. 208 ; To amend the act to incorporate the Steubenville and Indiana Railroad company, passed Feb. 24, 1848, reported the same back with one amendment which was agreed to.

The question being on ordering the bill to a third reading.

Mr. Backus demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 15, as follows :

Those who voted in the affirmative, were

Messrs. Backus, Blocksom, Claypool, Conklin, Corwin, Dennison, Goddard, Graham, Haines, Horton, Judy, Kendall, Lewis, Patterson, Vinal and Wilson—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Burns, Byers, Chase, Dubbs, Emrie, Evans, Myers, Scott, Swift, Worcester and Speaker—15.

So the bill was ordered to a third reading.

Said bill was then referred to a select committee of one, Mr. Lewis.

Mr. Goddard from the select committee to which was referred H. No. 158; To amend the several acts now in force, to regulate the practice of the Judicial Courts, reported the same back with amendments.

Recommitted to the committee on Judiciary.

Mr. Dennison from the select committee, to which was referred S. No. 220; To incorporate the Columbus and Worthington Plank Road or Turnpike Company, reported the same back with one amendment, which was agreed to.

Recommitted to the same committee.

Mr. Scott, from the select committee to which was referred H. No. 302; Prescribing the times of holding the court of Common Pleas in the Eighteenth Judicial Circuit, reported the same back with one amendment, which was agreed to.

Said bill was read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Evans, from the select committee to which was referred H. No. 249; To incorporate the Batavia and Williamsburgh Railroad Company, reported the same back.

Mr. Dubbs, from the select committee to which was referred H. No. 290; To incorporate the Green and Millcreek townships Turnpike Company, reported the same back.

Said bills were ordered to be read a third time, to-morrow.

Mr. Burns, from the select committee to which was referred the special report of the Auditor of State, relative to the Norwalk and Sandusky Banks, reported the same back.

Laid on the table to be printed.

Mr. Lewis, from the select committee to which was referred H. No. 208; To amend the act to incorporate the Steubenville and Indiana Railroad Company, passed February 24th, 1848, reported the same back.

Said bill was then passed.

Ordered that the title be as aforesaid.

The following bills were read a second time:

S. No. 259; To incorporate the Barnesville Railroad Company.

H. No. 191; To amend the act entitled an act to create the office of Attorney General and prescribe his duties, passed February 16, 1846, and the act amendatory thereto.

H. No. 192; For the more speedy administration of Justice in Hamilton county.

H. No. 216; To authorize the town council of Miamisburgh, to levy a tax to construct a free turnpike road.

H. No. 218; To authorize the sale of certain school lands in Muskingum county.

H. No. 219; To incorporate the Alexander Presbyterian church of Hibbardsville, in the county of Athens.

H. No. 228; To incorporate the Mt. Pleasant Academy in Kingston, Ross county.

H. No. 229; To lay out and establish a State road in the counties of Jackson and Athens.

H. No. 224; To provide for the appointment for minors residing out of this State and having property in the same.

H. No. 231; Concerning the docket of Jeremiah Moore, deceased, late Justice of the Peace in Fairfield county.

H. No. 227; Amendatory of the act entitled an act supplementary of the act pointing out the mode of levying taxes, passed February 12, 1841.

H. No. 232; To incorporate the Circleville, Darbyville and London Turnpike Road Company.

H. No. 247; To extend the corporate limits of the town of Clarington, Monroe county.

H. No. 275; To extend the corporate limits of the town of Mt. Gilead, Morrow county.

H. No. 284; To amend an act to establish a graded State road in the counties of Gallia, Meigs and Athens.

H. No. 285; To amend an act entitled an act to lay out and establish a graded State road in the counties of Gallia and Jackson.

H. No. 293; To authorize the sale of certain forfeited lands in Wyandotte county.

H. No. 294; To incorporate the St. John's church of Evangelical Protestants, of Beaver township, Pike county.

H. No. 295; To incorporate the Roman Catholic St. Peters Association of the Germans of Cincinnati.

H. No. 298; To amend the act to encourage the organization of Fire Companies, and to repeal former acts passed February 8, 1847.

H. No. 307; To attach sections one and two in Bloomfield township, Richland county, to Sandusky township, in said county.

H. No. 322; To incorporate the St. Salem's church of the Evangelical Protestants of Scioto township, Jackson county.

H. No. 327; To incorporate the London and Mt. Sterling Turnpike Company.

H. No. 346; To incorporate the Stillwater and Darke county Turnpike Company.

H. No. 350; To alter the plat of the village of Sullivan in Ashland county.

H. No. 359; To extend the time of payment to purchasers of school section sixteen in township four and range four in Warren county.

H. No. 313; To incorporate the Windham Library Association.

H. No. 317; To extend the time of payment for school section sixteen, in Canton township, Stark county.

H. No. 325; Making appropriations for the year one thousand eight hundred and forty-nine.

S. No. 260; To reduce the valuation of real estate for purposes of taxation.

S. No. 262; To repeal the several acts therein named regulating the Militia.

H. No. 191; Was referred to the committee on the Judiciary.

H. No. 218; Was referred to the committee on Schools and School Lands.

H. Nos. 219 and 228; Were referred to the committee on Corporations.

H. No. 229; Was referred to the committee on Road and Highways.

H. No. 224; Was referred to the committee on the Judiciary.

H. No. 231; Referred to a select committee of one, Mr. Burns.

H. No. 227; Referred to the committee on Finance.

H. No. 232; Referred to the committee on Railroads and Turnpikes.

H. No. 247; Referred to a select committee of one, Mr. Archbold.

H. No. 275; Referred a select committee of two, Messrs. Burns and Dennison.

H. Nos. 284 and 285; Referred to the committees on Roads and Highways.

H. No. 293 and 325; Referred to the committee on Finance.

H. Nos. 294, 295, 322 and 313; Referred to the committee on Corporations.

H. No. 298; Referred to a select committee of one, Mr. Swift.

H. No. 307; Referred to a select committee of one, Mr. Burns.
H. No. 327 and 346; Referred to the committee on Railroads and Turnpikes.

H. No. 350; Referred to a select committee of one, Mr. Byers.

H. No. 359; Referred to a select committee of one, Mr. Corwin.

H. No. 317; Referred to a select committee of one, Mr. Graham.

Mr. Archbold (on leave) from the select committee to which was referred S. No. 3; Granting to actual settlers the unsold and unappropriated lands belonging to the State of Ohio, reported the same back with amendments, which were agreed to.

Referred to a select committee of one, Mr. Beaver.

The following bills were read a third time and passed:

S. No. 215; To amend the act entitled an act to abolish imprisonment for debt, passed March 19, 1838.

S. No. 236; To authorize the Canal Fund Commissioners, to exchange certain certificates of the funded debt of this State.

S. No. 237; In relation to the fees of Grand and Petit jurors in Cuyahoga county.

S. No. 238; In relation to Coroners juries.

S. No. 239; To incorporate the society of Savings in the city of Cleveland.

S. No. 242; To incorporate the New Philadelphia and Cadiz Plank Road Company.

H. No. 189; To incorporate the Four Mile Valley Railroad Company.

H. No. 204; To incorporate the Miamisburgh Western Free Turnpike Road.

H. No. 205; To incorporate the Troy, Stanton and Loss Creek Turnpike Road company.

H. No. 207; To authorize the trustees of Upper Township, Lawrence county, to levy taxes for certain purposes.

H. No. 213; To amend the act passed March 11, 1843, entitled an act to further amend the act for the support and better regulation of common schools, &c., passed March 7, 1838.

H. No. 220; To authorize the sale of school land belonging to Pitt township, Wyandotte county.

H. No. 222; Repealing an act entitled an act incorporating the town of Benton, in Crawford county.

H. No. 235; To incorporate the Dry Ridge Universalist Society of Greene township, Hamilton county.

H. No. 250; To lay out and establish a State road from Liberty township in Putnam county, to the Van Buren, Independence and Ridgeville free turnpike road in Henry county.

H. No. 257; To authorize the sale of the northwest quarter of school section 1, in Buck township, Hardin county.

H. No. 261; To amend an act entitled an act to authorize the trustees of townships in certain counties, to lay an additional road tax, passed February 22, 1848.

H. No. 269; To incorporate the Bentonville and New Market Turnpike company.

H. No. 270; To authorize the sale of school lands in Elizabeth township, Lawrence county, in this State.

H. No. 274; To incorporate the Elizabethtown and Clevestown Turnpike company.

Ordered that the titles be as aforesaid.

The following bill was read the third time:

S. No. 37; Prescribing the times of holding the Supreme court.

Referred to a select committee of one—Mr. Worcester.

Mr. Worcester, on leave, from the select committee to which the above bill was referred, reported the same back with one amendment, which was agreed to.

The bill was then passed.

Ordered that the title be as aforesaid.

S. No. 243; To amend the several acts incorporating turnpike companies in this State.

Referred to a select committee of one—Mr. Corwin.

No. 241; To attach South and Middle Bass Islands to Erie county.

Referred to the committee on New Counties.

H. No. 255; To repeal an act entitled an act to lay out and establish a certain free turnpike therein named.

Referred to the committee on Roads and Highways.

On motion of Mr. Burns,

The Senate took a recess.

TWO O'CLOCK, P. M.

The following bills were read the third time and passed:

H. No. 276; To authorize the trustees of Clay township in Knox county, to redistrict said township for school purposes.

H. No. 287; To extend the time for payment of the purchase money of section 16, township 3, of the United States reserve of twelve miles square, in Lucas county.

H. No. 288; To lay out and establish a free turnpike road from Defiance in Defiance county, to the Indiana State line, at the point where the Ft. Wayne road now crosses said State line, in the county of Paulding.

H. No. 305; To lay out and establish a State road in the counties of Jackson, Athens and Gallia.

Ordered that the titles be as aforesaid.

The following bill was read the third time:

H. No. 309; To amend the third section of an act passed February 24, 1848, entitled an act to incorporate Great Western Railroad company.

The question being on agreeing to the title,

Mr. Goddard moved to amend the title as follows—strike out "the third section of," which was agreed to, and the bill was passed.

Ordered that the title be as amended.

On motion of Mr. Goddard,

The vote was reconsidered on H. No. 98, by which the bill was indefinitely postponed, and said bill was referred to a select committee of one—Mr. Horton.

Message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed the following bills:

S. No. 33; Concerning writs of error in fact.

S. No. 112; Further to amend an act dispensing with proof in certain cases, passed December 18, 1823.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 334; To incorporate the Warren and Gustavus Plank Road company in Trumbull county.

Attest:

STANLEY MATTHEWS, Clerk.

House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 375; To authorize the Columbus and Sandusky Turnpike company to sue the State.

Attest:

STANLEY MATTHEWS, Clerk.

House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

H. No. 385; Changing the mode of electing the members of the Board of Public Works.

H. No. 386; Concerning costs upon the Governor's requisitions.

H. No. 387; To amend the act entitled an act to repeal the act entitled an act for the better support and regulation of common schools in school district number 1, in Revenna township, and for other purposes.

H. No. 388; To incorporate the Perrysburgh and Maumee Union Bridge company.

H. No. 389; To incorporate the First Associate Reformed Church and Society in the town of Wellsville, county of Columbiana.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to House joint resolution relating to the adjustment and settlement of the claims of H. S. Hanon and others.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to the following bills:

H. No. 79; To revive a certain act therein named.

H. No. 178; Fixing the prices of printers for publishing the delinquent and forfeited lists.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the Senate amendment to H. No. 252, to confirm the charter of the Covington and Cincinnati Bridge company, incorporated by an act of the General Assembly of Kentucky, passed February 17, 1846, with certain limitations.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 300; To provide for the payment of seven thousand dollars by the people of Gilead township, Morrow county, to aid in the erection of public buildings.

H. No. 351; To authorize the commissioners of Stark county to subscribe stock in the Ohio and Pennsylvania Railroad company.

H. No. 263; To amend the act entitled an act to amend the act for levying taxes on all property in this State according to its true value, passed March 2, 1846, and for other purposes.

H. No. 280; To incorporate the Pickaway county Savings Institute at Circleville.

Attest:

STANLEY MATTHEWS, Clerk.

Read the first time.

Mr. Dubbs offered for adoption the following:

Resolved, by the General Assembly of the State of Ohio, That the resolution relative to equalizing the tolls on all salt manufactured out of this State, adopted Feb. 24, 1848, be and the same is hereby rescinded.

Mr. Claypool moved to amend the resolution as follows, which was agreed to:

Provided that present rates of toll upon salt on the Ohio Canal shall not be increased.

Mr. Dennison moved to refer the resolution as amended to a select committee of one.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 14, as follows:

Those who voted in the affirmative were

Messrs. Archbold, Backus, Beaver, Blake, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Emrie, Evans, Graham, Judy Kendall, Lewis and Patterson—18.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Dubbs, Goddard, Haines, Hendricks, Horton, Myers, Scott, Swift, Vinal, Wilson, Worcester and Speaker—14.

So the motion was carried.

Mr. Dennison was appointed the select committee.

Mr. Claypool moved to reconsider the vote on House bill No. 89, whereby said bill was indefinitely postponed; which was disagreed to.

Mr. Hendricks, from the committee on Enrollment, made the following report:

The committee on Enrollment have examined and find correctly enrolled the following acts, to-wit:

An act to incorporate the Cadiz High School.

An act to provide for the sale of section sixteen in Carryall township, Paulding county.

An act to amend the act entitled an act fixing the times of holding the court of common pleas in the eleventh judicial circuit, passed Feb. 7, 1848.

An act to amend the act to incorporate the city of Cleveland, and the several acts amendatory thereto.

An act to authorize the sale of school lands belonging to Madison township (fractional,) Clark county.

An act to authorize the trustees of Perry township, in the county of Columbiana, to levy a tax to erect a town hall and market house in said township.

An act to repeal the act entitled an act to authorize the town of Hamilton to borrow money and for other purposes.

An act to provide for the sale of certain school lands therein named situate in Washington township, Miami county.

An act to amend an act entitled an act to incorporate the Washington Insurance Company of Cincinnati, passed March 14, 1846.

On motion of Mr. Byers,

The committee of the whole were discharged from the further consideration of H. No. 351, to authorize the commissioners of Stark county to subscribe stock in the Ohio and Pennsylvania Railroad company.

The constitutional rule was dispensed with, and said bill was read a second and third time and passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House requests the return of Senate bill No. 58, to incorporate the Toledo and Woodville Plank Road company.

Attest:

STANLEY MATTHEWS, Clerk.

Said bill was returned to the House.

On motion of Mr. Ankeny,

The preamble and resolution relative to the claim of William Burdell was taken up and referred to a select committee of one—Mr. Ankeny.

Mr. Corwin, on leave, from the select committee to which was referred S. No. 243, to amend the several acts incorporating turnpike companies in this State, reported the same back with one amendment, which was agreed to.

Said bill was then passed.

Ordered that the title be as aforesaid.

Also, from the committee on Corporations, to which was referred S. No. 254, to amend the act to incorporate the Mayor and Trustees of the town of Hamilton, reported the same back with sundry amendments, which were agreed to.

Said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Conklin offered for adoption the following:

Whereas, it is understood that the supply of water at present relied on for the Loramies summit level of the Miami Extension Canal is found to be insufficient to maintain navigation during the dry season of the year, and that it is intended by the Board of Public Works to enlarge the Loramies reservoir for the purpose of making up the deficiency, therefore,

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be and they are hereby authorized and required, before entering into any expensive arrangement for the supply of water on said summit, to make a thorough examination of the site of the Lewistown reservoir, in the northwest corner of Logan county, and report to the next General Assembly the cost and advantages of constructing a reservoir upon said site.

Referred to the committee on Public Works and Public Lands.

Mr. Goddard offered for adoption the following resolution:

36—A. J.

Resolved by the Senate and House of Representatives, That there be allowed and paid to William Dennison, jr., the sum of one hundred and fifteen dollars and fifty-four cents, being the sum expended by himself and the other members of the committee in carrying into effect a joint resolution inviting President Taylor to visit Columbus.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted yeas 24, nays 4, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blocksom, Claypool, Conklin, Corwin, Dubbs, Emrie, Evans, Goddard, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Swift, Vinal, Wilson, Worcester and Speaker—24.

Those who voted in the negative, were

Messrs. Burns, Byers, Chase and Scott—4.

So the resolution was agreed to.

Mr. Dennison, on leave, from the committee on Colleges and Universities, to which was referred Senate joint resolution relative to appointing a committee to examine into the affairs of Miami University, reported the same back with one amendment; which was agreed to.

The question being on agreeing to the resolution,

Mr. Scott demanded the yeas and nays thereon, which were ordered and resulted yeas 17, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Chase, Corwin, Dennison, Dubbs, Emrie, Evans, Goddard, Haines, Horton, Judy, Kendall, Lewis, Myers, Patterson, Vinal and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Claypool, Conklin, Scott, Swift, Wilson and Worcester—13.

So the resolution was agreed to.

On motion,

The Senate resolved itself into the committee of the whole on the orders of the day, Mr. Archbold, in the chair, and after some time spent therein, rose and reported back the following bills:

S. No. 169; To repeal a part of a certain act therein named.

Ordered to be engrossed and read a third time to-morrow.

H. No. 129; To reduce the price of the State canal lands, and to confine the sale thereof in tracts not exceeding one hundred and sixty acres to actual settlers.

Referred to the committee on Public Works and Public Lands.

H. No. 192; For the more speedy administration of justice in Hamilton county.

Referred to the committee on the Judiciary.

H. No. 230; To extend the corporate limits of the town of Mt. Sterling, in the county of Madison.

H. No. 237; To incorporate the town of Palestine in the county of Dark.

Ordered to be read a third time to-morrow.

H. No. 254; Supplementary to an act entitled an act to incorporate the Washington Fire Company of the town of Mt. Vernon, passed Feb. 18, 1840.

Referred to the committee on Corporations.

H. No. 271; To incorporate the Mahoning Plank Road company, with amendments.

Referred to the committee on Railroads and Turnpikes.

H. No. 281; To incorporate the town of Canfield, in the county of Mahoning.

Ordered to be read a third time to-morrow.

H. No. 313; To incorporate the Windham Library Association.

Referred to the committee on Corporations.

Mr. Corwin, on leave, from the committee on Corporations, to which was referred H. No. 239, to incorporate the Warren county Farmers' Mutual Fire Insurance company, reported the same back.

Mr. Worcester, on leave, from the committee on Schools and School Lands, to which was referred H. No. 218, to authorize the sale of certain school lands in Muskingum county, reported the same back.

Mr. Burns, on leave, from the select committee to which was referred H. No. 275, to extend the corporate limits of the town of Mt. Gilead, Morrow county, reported the same back.

Also, H. No. 307; To attach sections one and two, in Bloomfield township, Richland county, to Sandusky township in said county.

Said bills were ordered to a third reading to-morrow.

On motion of the same gentleman,

The rules were suspended so as to introduce the following bill:

S. No. 264; To incorporate the Mansfield Female Seminary, in the county of Richland.

Said bill was read the first time.

On motion of Mr. Goddard,

The committee of the whole were discharged from the farther consideration of S. No. 39, making appropriations for the year 1849.

Referred to the committee on Finance.

On motion of Mr. Archbold,

The Senate adjourned.

Attest

JOHN R. KNAPP, Jr., Clerk.

TUESDAY, MARCH 13, 1849.

A call of the Senate was ordered, and Messrs. Archbold, Bennett, Blake, Chase, Conklin, Dimmock, Dubbs, Ewing, Haines, Hendricks, Patterson, Vinal, Whitman and Wilson were absent.

A quorum appearing,

On motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Ankeny,

A message was transmitted to the House for the return of House bill No. 276.

Mr. Hendricks presented the petition of William D. Gilmore, of Memphis, Tennessee, for compensation for capturing a supposed criminal.

Referred to the Committee on Claims.

Mr. Corwin, from the committee on corporations to which was referred H. No. 188; To amend an act entitled an act to incorporate the towns of New Richmond and Susanna, in the county of Clermont, and the acts amendatory thereto, reported the same back.

Also, H. No. 190; To amend the act entitled an act to incorporate the town of Xenia, in the county of Greene, passed Feb. 9, 1830, and for other purposes, reported the same back.

Also H. No. 254; Supplementary to an act entitled an act to incorporate the Washington fire engine company of the town of Mt. Vernon, passed February 18, 1840, reported the same back.

Also H. No. 359; To extend the time of payment to purchasers of school section sixteen, in township four, and range four, in Warren county, reported the same back.

Said bills were ordered to be read a third time tomorrow.

Also S. No. 203; To amend the act to extend the corporate limits of the town of Xenia, in Greene county, reported the same back and recommended its engrossment.

Mr. Beaver moved the indefinite postponement of the bill, which was agreed to.

Also H. No. 219; To incorporate the Alexander Presbyterian church of Hibberdsville, in the county of Athens.

Also H. No. 294; To incorporate the St. John's church of Evangelical Protestants, of Beaver township, in the county of Pike.

Also H. No. 295; To incorporate the Roman Catholic St. Peter's association of the Germans of Cincinnati.

Also H. No. 313; To incorporate the Windham Library Association.

Also H. No. 322; To incorporate the St. Salem's Church of the Evangelical Protestants of Scioto township, in the county of Jackson; reported said bills back, and recommended the indefinite postponement of said bills. Agreed to.

Said bills were indefinitely postponed.

Mr. Myers, from the committee on roads and Highways, to which

was referred H. No. 229; To lay out and establish a state road in the counties of Jackson and Athens, reported the same back.

Also H. No. 284; To amend an act to establish a graded state road in the counties of Gallia, Meigs and Athens, reported the same back.

Also H. No. 285; To amend an act entitled an act to lay out and establish a graded state road in the counties of Gallia and Jackson, reported the same back.

Said bills were ordered to be read a third time tomorrow.

Mr. Beaver, from the majority of the committee on privileges and elections, made the following report on the case of Messrs. Chase, Dubbs and Hendricks.

(See Appendix, pp. 81, 87, 90.)

Mr. Burns, from the majority of said committee, on the same subject, made the following report.

(See Appendix, pp. 92, 102.)

Said reports were laid on the table to be printed.

Mr. Goddard, from the committee on public works and public lands to which was referred the petition of 200 citizens of Canal Dover, for relief from injuries sustained from the Ohio canal, reported the same back, and recommended the indefinite postponement of the subject, and that the petitioners have leave to withdraw their papers.

Mr. Bennett called for a division.

The question being on discharging the committee, was agreed to.

The same gentleman moved to refer the petition to a committee of one.

On which motion he demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Blake, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Haines, Kendall, Myers, Patterson, Scott, Wilson and Worcester—16.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Dubbs, Enrie, Evans, Goddard, Graham, Horton, Judy, Lewis, Swift, Vinal and Speaker—14.

So the motion carried.

Mr. Bennett was appointed said select committee.

Mr. Goddard, from the same committee, to which was referred House joint resolution relative to giving the board of public works authority to lease water power, reported the same back and recommended its indefinite postponement, which was agreed to.

Mr. Dennison on leave, presented two remonstrances of citizens of Gilead township, Morrow county, against any increase of the taxes of said township.

Referred to a select committee of one—Mr. Dennison.

Mr. Archbold, from the committee on the judiciary, to which was referred H. No. 31; To exempt a homestead from levy and sale on execution, reported the same back, with one amendment, and made the following report.

(See Appendix, p. 76.)

Said report and amendment were laid on the table to be printed.

Mr. Blocksom from the committee on railroads and turnpikes, to which was referred S. No. 239; For the relief of the Steubenville, Cadiz and Cambridge Macadamized road company, reported the same back, and recommended its postponement until the first Monday in December next.

Mr. Byers moved that the bill be indefinitely postponed.

The question being on postponing until the 1st Monday in December next, was agreed to.

Also H. No. 232; To incorporate the Circleville, Darbyville and London turnpike company, reported the same back.

Also H. No. 271; To incorporate the Mahoning plank road company, reported the same back with an amendment, which was agreed to.

Also H. No. 327; To incorporate the London and Mt. Sterling turnpike company, reported the same back.

Also H. No. 346; To incorporate the Stillwater and Darke county turnpike company, reported the same back.

Mr. Myers, from the committee on roads and Highways, to which was referred H. No. 255, to repeal an act entitled an act to lay out and establish a certain free turnpike therein named, reported the same back.

Said bills were ordered to be read a third time on to-morrow.

Mr. Swift, from the committee on the Currency, to which was referred the petition of Wm. F. Allen and 87 others of Cleveland, limiting the amount of banking capital in the state, reported the same back and asked to be discharged from the subject, which was agreed to.

Mr. Hendricks, from the committee on Enrollment, made the following report.

The committee on Enrollment reports that the committee have examined, and found duly enrolled, the following acts, to wit,

An act to amend an act entitled "an act to incorporate the Toledo Plank Road Company," passed January 28, 1848.

An act to authorize the directors of school district No. 13, in Jefferson township, Fayette county, Ohio, to sell and convey certain real estate.

An act for the better support of common schools in Perrysburgh, Wood county.

An act to authorize the sale of north-west quarter of section No. 32, township 8, north range 12, east, in the county of Wood.

An act to authorize the sale of certain school lands therein named.

An act to incorporate the Springfield Gaslight and Coke Company.
An act to authorize the city council of Columbus to occupy a part of a certain street and alley therein mentioned for a market house.

An act in relation to taxes, schools and sewers in the city of Toledo.

An act to incorporate the St. Marys and Wapakonnetta Plank Road Company.

An act to amend an act entitled an act to incorporate the Cincinnati Insurance Company, passed Feb. 7, 1829.

An act to incorporate the Cleveland and Willoughby Plank Road Company.

An act amendatory of the act prescribing the times of holding the courts of Common Pleas in the 4th judicial circuit.

An act to incorporate the Delaware, Marysville, Milford, Mechanicsburgh and Springfield Railroad Company.

An act to incorporate the Zanesville Gaslight Company.

An act to amend an act entitled an act to incorporate the Manufacturers Insurance Company of Cincinnati, passed March 15, 1838.

Mr. Byers, from the select committee to which was referred H. No. 350; To alter the plat of the village of Sullivan, in Ashland county, reported the same back, with one amendment, which was agreed to.

Mr. Graham, from the select committee to which was referred H. No. 317; To extend the time of payment for school section 16, in Canton township, Stark county, reported the same back.

Mr. Dubbs, from the select committee to which was referred S. No. 87; To aid the Ohio and Mississippi Railroad Company, reported the same back with sundry amendments, which were agreed to.

Said bill was ordered to be engrossed.

Said bills were ordered to a third reading to-morrow.

Mr. Goddard, from the select committee to which was referred S. No. 179; In relation to the old penitentiary lot, in the city of Columbus, reported the same back with sundry amendments.

The question being on agreeing to the amendments,

Mr. Dennison demanded the yeas and nays thereon, which were ordered and resulted yeas 20, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Beaver, Blockson, Burns, Byers, Chase, Claypool, Corwin, Emrie, Evans, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Patterson and Scott—20.

Those who voted in the negative, were

Messrs. Blake, Conklin, Dennison, Dubbs, Horton, Swift, Vinal, Wilson, Worcester and Speaker—10.

So the amendment was agreed to.

Said bill was then passed.

The question being on agreeing to the title,

Mr. Goddard moved to amend as follows:

"In relation to the old penitentiary lot in the city of Columbus."

The title as amended was agreed to.

Ordered that the title be as amended.

Mr. Goddard, from the select committee to which was referred the special report of the Attorney General relative to the title of the old penitentiary lot, reported the same back.

Laid on the table to be printed.

Mr. Myers, from the select committee to which was referred Senate joint resolution relative to the claim of Wm. Darbin, reported the same back, and the resolution was agreed to.

Mr. Horton, from the select committee to which was referred H. No. 98; To authorize the trustees of the original surveyed township, in Brown township, Athens county, reported the same back.

Said bill was ordered to be read a third time to-morrow.

The following bills were severally read the second time and committed as follows:

S. No. 263; To revive the act entitled "an act appointing commissioners to lay out and establish a free turnpike road from Eaton to Sugar Valley, in Preble county," passed Feb., 1848.

Committed to a select committee of one—Mr. Hendricks.

H. No. 334; To incorporate the Warren and Gustavus Plank Road Company, in Trumbull county.

Committed to a select committee of one—Mr. Beaver.

H. No. 375; To authorize the Columbus and Sandusky Turnpike Company to sue the state.

Committed to the committee on the Judiciary.

H. No. 300; To provide for the payment of \$7,000 by the people of Gilead township, Morrow county, to aid in the erection of public buildings.

Committed to a select committee of one—Mr. Dennison.

H. No. 263; To amend the act entitled "an act to amend the act for levying taxes on all property in this state according to its true value, passed March 2, 1846, and for other purposes.

H. No. 280; To incorporate the Pickaway county Savings Institute, at Circleville.

Committed to the committee on Finance.

S. No. 264; To incorporate the Mansfield Female Seminary, in the county of Richland.

Committed to the committee on Corporations.

The following bills were read a third time and passed:

S. No. 169; To repeal a part of a certain act therein named.

S. No. 191; Concerning negotiable instruments.

S. No. 250; To incorporate the Lower Sandusky and Rollersville Plank Road Company.

S. No. 254; To amend the act to incorporate the Mayor and Trustees of the town of Hamilton.

S. No. 255; To incorporate the Four Mile and Seven Mile Turnpike Company.

H. No. 218; To authorize the sale of certain school lands in Muskingum county.

H. No. 230; To extend the corporate limits of the town of Mt. Sterling, in the county of Madison.

Ordered, that the title be as aforesaid.

The following bill was read the third time.

S. No. 247; To amend the act entitled "an act for the better organization of common schools in cities, towns, &c., passed February 15, 1849.

The question being on agreeing to the title,

On motion of Mr. Worcester,

It was amended as follows:

"A bill to amend the act entitled an act for the support and better regulation of common schools in the town of Akron, passed February 8, 1847, and the acts amendatory thereto.

The title as amended was agreed to.

Ordered that the title be as amended.

On motion of Mr. Byers,

The Senate took a recess.

THREE O'CLOCK, P. M.

The following bill was read a third time:

H. No. 237; To incorporate the town of Palestine, in the county of Darke.

Committed to a select committee of one—Mr. Conklin.

The following bills were read a third time and passed:

H. No. 239; To incorporate the Warren County Farmer's Mutual Fire Insurance Company.

H. No. 240; To incorporate the Trumbull, Portage and Geauga Plank Road Company.

H. No. 249; To incorporate the Cincinnati, Batavia and Williamsburg Railroad company.

H. No. 253; To incorporate the Darke county Medical Society.

H. No. 276; To extend the corporate limits of the town of Mt. Gilead, Morrow county.

H. No. 281; To incorporate the town of Canfield, in the county of Mahoning.

H. No. 290; To incorporate the Green and Mill Creek township turnpike company.

H. No. 307; To attach sections one and two in Bloomfield township, Richland county, to Sandusky township in said county.

Mr. Conklin, on leave, from the select committee to which was referred H. No. 237; To incorporate the town of Palestine, in the county of Darke, reported the same back with one amendment, which was agreed to.

Said bill was then passed.

Ordered that the title be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 372; To incorporate the Sunfish Railroad company.

H. No. 388; To incorporate the Perrysburg and Maumee Union Bridge company.

S. No. 71; To provide for the better preservation of the bonds of executors and administrators of the estates of deceased persons.

S. No. 92; Further to amend the act entitled an act to incorporate the Toledo, Sandusky and Michigan City Railroad company, and the several acts amendatory thereto, with one amendment.

S. No. 104; To authorize the commissioners of Highland county to subscribe to the capital stock of the Hillsborough and Cincinnati Railroad company, with amendments.

S. No. 111; Further to amend the act incorporating the city of Cincinnati, passed March 1, 1834.

S. No. 113; Authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland and Pittsburgh Railroad Company, and to amend the charter to the same, with amendments.

S. No. 118; To revive the fourth section of a certain act therein named.

S. No. 146; To incorporate the town of New Fort Ball in the county of Seneca.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to S. Nos. 92, 104 and 113 were severally agreed to.

House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill:

H. No. 252; To confirm the charter of the Covington and Cincinnati Bridge company, incorporated by an act of the General Assembly of Kentucky, passed February 17, 1846, with certain limitations.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following Senate joint resolution:

Relative to paying Wm. Dennison the sum of \$115 44 cents.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the following Senate joint resolution:

Relative to investigating the Miami University.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representative.

Mr. Speaker:

The House has passed the following bills:

S. No. 99; To incorporate the Zanesville Gas Light company.

H. No. 343; Further to amend the act entitled an act to incorporate the town of Fulton, in the township of Fulton, in the county of Hamilton, passed February 6, 1832.

H. No. 318; To incorporate the Higginsport, Russelville and Echmansville Turnpike road company.

Attest:

STANLEY MATTHEWS, Clerk.

House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 347; To enable corporations on the line of the Cincinnati and Sandusky Telegraph Company, to subscribe to the stock of said company.

Attest:

STANLEY MATTHEWS, Clerk.

House bill was read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendment to the following bills:

H. 208: To amend the act to incorporate the Steubenville & Indiana railroad company, passed February 24, 1848.

H. 302: Prescribing the times of holding the courts of common pleas in the eighteenth judicial circuit.

H. 309: To amend the third section of an act passed February 24, 1848, entitled an act to incorporate the Great Western railroad company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

S. 216: To incorporate the town of St. Marys, in Auglaize county, and to repeal certain acts.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker has signed the following enrolled bills:

S. 16: To provide for the sale of section 16, in Carryall township, Paulding county.

S. 42: To repeal the act entitled an act to authorize the town of Hamilton to borrow money, and for other purposes.

S. 66: To provide for the sale of certain school lands therein named, situated in Washington township, Miami county.

S. 75: To amend the act to incorporate the city of Cleveland, and the several acts amendatory thereto.

S. 96: To amend an act entitled an act to incorporate the Washington Insurance company of Cincinnati, passed March 14, 1836.

S. 137: To authorize the trustees of Perry township, in the county of Columbiana, to levy a tax to erect a Town Hall and Market House in said township.

S. 168: To incorporate the Cadiz High School.

S. 197: To authorize the sale of school lands belonging to Madison township, (fractional,) Clark county.

S. 204: To amend the act entitled an act fixing the times of holding the courts of common pleas in the eleventh judicial circuit, passed February 7, 1848.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

S. 23: To amend the act entitled an act to incorporate the Toledo plank road company, passed January 28, 1848.

S. 54: For the better support of common schools in Perrysburgh, Wood county.

S. 59: To authorize the sale of northwest quarter section, No. 32, township 8 north, range 12 east, in the county of Wood.

S. 89: To incorporate the St. Marys and Wapakonetta plank road company.

S. 94: To amend an act entitled an act to incorporate the Cincinnati Insurance company, passed February 7, 1829.

S. 97: To amend an act entitled an act to incorporate the Manufacturer's Insurance company of Cincinnati.

S. 98: To incorporate the Zanesville Gas Light company.

S. 106: To authorize the Directors of school district No. 16, in Jefferson township, Fayette county, Ohio, to sell and convey certain real estate.

S. 138: To authorize the sale of certain school lands therein named.

S. 120: To authorize the city council of Columbus to occupy a part of a certain street and alley therein mentioned, for a market house.

S. 122: In relation to taxes, schools and sewers, in the city of Toledo.

S. 151: To incorporate the Cleveland and Willoughby plank road company.

S. 184: To incorporate the Delaware, Marysville, Millford, Mechanicsburgh and Springfield railroad company.

S. 192: To incorporate the Springfield Gas Light and Coke company.

S. 257: Amendatory of the act prescribing the times of holding the courts of common pleas in the fourteenth judicial circuit.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Dennison, on leave, presented sundry remonstrances of citizens of Perry and Troy townships, Morrow county, against any alteration of the act to erect the county of Morrow.

Referred to a select committee of one—Mr. Dennison.

Also, H. 300: To provide for the payment of seven thousand dollars by the people of Gilead township, Morrow county, to aid in the erection of public buildings, reported the same back.

Committed to a select committee of one—Mr. Ankeny.

Mr. Scott, on leave, introduced the following bill:

S. 265: To incorporate the Bryan plank road company.

Said bill was read the first time.

Mr. Hendricks, on leave, from the committee on railroads and turnpikes, to which was referred S. 196: To amend the act incorporating the Rockport plank road company, &c., reported the same back and recommended its passage.

Committed to a select committee of one—Mr. Goddard.

On motion of Mr. Goddard,

Senate bill 6: To provide for the ascertaining of the will of the people of this State, upon the question of calling a convention to amend or change the constitution of the same, was taken up.

Mr. Byers moved a call of the Senate, which was ordered, and Messrs. Ewing, Graham, Judy, Patterson and Whitman, were absent.

On motion,

Mr. Ewing was excused.

On motion,

All further proceedings under the call were dispensed with.

The question being, Shall the bill pass?

Mr. Blake demanded the yeas and nays thereon; which were ordered, and resulted yeas 27, nays 6, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blockson, Burns, Byers, Chase, Dennison, Dinamock, Dubbs, Emrie, Evans, Goddard, Graham, Hendricks, Horton, Lewis, Myers, Patterson, Scott, Swift, Wilson, Worcester and Speaker—27.

Those who voted in the negative; were

Messrs. Claypool, Conklin, Corwin, Haines, Kendall and Vinal—6.

So the bill was passed.

Ordered that the title be as aforesaid.

Mr. Backus moved to reconsider the vote on the passage of Senate bill 179.

Said motion was laid on the table.

Message from the House of Representatives.

Mr. Speaker:

Agreeably to request the House returns H. No. 276; To authorize the trustees of Clay township, in Knox county, to redistrict said township for school purposes.

Attest:

STANLEY MATTHEWS, Clerk.

On motion,

The vote by which H. No. 276 passed the Senate, was reconsidered and the bill referred to a select committee of one—Mr. Ankeny.

Mr. Goddard, on leave, reported back S. No. 196; To amend the act incorporating the Rockport Plank Road company, entitled an act to incorporate the Chagrin Falls and Cleveland Plank Road company, and for other purposes, with one amendment.

Section 2; The acceptance of the provisions of this act by the said Plank Road company, shall be construed as a surrender of so much of the original franchise granted them as exempts them from taxation.

Mr. Backus demanded the yeas and nays thereon, which were ordered and resulted yeas 20, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blocksum, Burns, Byers, Chase, Claypool, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Lewis, Myers, Patterson, Scott and Wilson—20.

Those who voted in the negative, were

Messrs. Backus, Blake, Conklin, Corwin, Dennison, Hendricks, Horton, Kendall, Swift, Vinal and Worcester—11

So the amendment was agreed to.

Mr. Backus moved that the bill be indefinitely postponed, which was agreed to.

Mr. Ankeny, on leave, from the select committee, reported back H. No. 276; To authorize the trustees of Clay township, in Knox county, to redistrict said township for school purposes, reported the same back with one amendment, which was agreed to.

Said bill was then passed.

Ordered that the title be as aforesaid.

Mr. Dimmock, from the select committee to which was referred H. No. 149; To repeal the act to lay out and establish the Mt. Vernon, Benington and Delaware Free Turnpike road, reported the same back.

Said bill was postponed until the 1st Monday of December next.

Mr. Dubbs gave notice that on to-morrow or upon some subsequent day of the present session, he would ask leave to introduce a bill to amend an act to provide for the recording of town plats, passed March 3d, 1831.

On motion of Mr. Wilson,

The Senate adjourned.

Attest:

JOHN B. KNAPP, Jr., Clerk.

WEDNESDAY, MARCH 14, 1849.

Mr. Wilson presented a remonstrance of 21 citizens of Seneca county, against reviving the charter of the Tiffin Savings Institute.

Mr. Vinal presented the petition of J. Thayre and others, for the incorporation of the Springfield Hotel company.

Said petitions were laid on the table.

Mr. Backus presented the petition of Joseph Stanbury and 39 others of Erie county, for an amendment to the law regulating Railroad companies, passed February 11, 1848.

Referred to the standing committee on Railroads and Turnpikes.

Mr. Goddard, from the committee on public works and public lands, to which was referred Senate resolution relative to the Lewistown Reservoir, reported the same back and recommended its adoption, which was agreed to.

Also the petitions, papers, &c., relative to the claim of Messrs. Springer and Simpson, asking relief for damages sustained on the Muskingham Improvement, reported the same back and asked to be discharged, and that the petitioners have leave to withdraw their papers, which was agreed to.

Also Senate preamble and resolution relative to constructing a culvert under the canal at Newburg, Cuyahoga county, reported the same back and asked to be discharged from the further consideration of the subject, and recommended the indefinite postponement of the preamble and resolution.

Mr. Backus demanded the yeas and nays, which were ordered and resulted yeas 19, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Claypool, Dimmock, Dubbs, Evans, Goddard, Hendricks, Horton, Judy, Myers, Scott, Swift, Vinal and Wilson—19.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Corwin, Haines, Kendall, Lewis, Worcester and Speaker—9.

So the preamble and resolution was indefinitely postponed.

Mr. Blocksom, from the committee on Railroads and Turnpikes, introduced the following bill:

S. No. 266; To lay out and establish the Postage Free Turnpike road, in the county of Wood.

Said bill was read the first time.

Mr. Dennison, from the committee on the judiciary, to which was referred S. No. 64; To prevent magistrates of counties, cities or towns, judges, justices of the peace, in cases of alledged fugitives from labor, reported the same back.

Committed to a select committee of one—Mr. Beaver.

Also S. No. 193; To amend an act entitled an act to amend an act directing the mode of proceeding in chancery, reported the same back.

Mr. Myers moved to strike out the words "either" and "or judges," which was agreed to.

Said bill were ordered to be engrossed and read a third time to-morrow.

Mr. Archbold, from the same committee, to which was referred S. No. 225, More effectually to prevent the sale of lottery tickets in this State, reported the same back with sundry amendments.

Mr. Wilson moved to lay the amendments on the table to be printed, which was lost.

Mr. Claypool moved the indefinite postponement of the bill and pending amendment.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted yeas 11, nays 21, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Burns, Byers, Claypool, Corwin, Dimmock, Judy, Scott, Vinal, Wilson and Speaker—11.

Those voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blake, Blocksom, Bennett, Chase, Dennison, Dubbs, Evans, Goddard, Graham, Haines, Hendricks, Horton, Kendall, Lewis, Myers, Patterson, Swift and Worcester—21.

So the motion was lost.

Mr. Archbold offered an amendment, which was agreed to.

Mr. Chase offered to amend by adding an additional section.

Mr. Burns moved to lay the bill and pending amendment on the table to be printed.

Mr. Graham demanded the yeas and nays thereon, which were ordered and resulted yeas 19, nays 11, as follows:

Those who voted in the affirmative, are

Messrs. Ankeny, Archbold, Backus, Blake, Burns, Corwin, Dennison, Dimmock, Dubbs, Evans, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Vinal, Wilson and Speaker—19.

Those who voted in the negative, were

Messrs. Beaver, Blocksom, Byers, Claypool, Graham, Judy, Myers, Patterson, Scott and Worcester—11.

So the motion was agreed to.

Mr. Archbold, from the same committee, to which was referred H. No. 192; For the more speedy administration of justice in Hamilton county, reported the same back and recommended its indefinite postponement, which was agreed to.

Also H. No. 181; To amend the act entitled an act to create the office of Attorney General, and to prescribe his duties, passed February 16, 1846, and the act amendatory thereof, reported the same back with the following amendment:

Section 2, 4th line strike out the word "three" and insert the word "five," so as to read five years.

The question being on the amendment,

Mr. Scott demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 13, as follows:

Those who voted in the affirmative were

Messrs. Archbold, Backus, Beaver, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Lewis, Swift, Vinal, Worcester and Speaker—17.

Those who voted in the negative were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Kendall, Myers, Scott and Wilson—13.

So the amendment was agreed to.

Mr. Myers moved to strike out the first section save the enacting clause.

Mr. Archbold moved to amend the amendment as follows, which was agreed to:

Except as to questions concerning rights of property.

The question being on agreeing to the amendment as amended,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 19, nays 12, as follows:

Those who voted in the affirmative were

Messrs. Backus, Beaver, Blake, Chase, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Kendall, Lewis, Myers, Vinal, Worcester and Speaker—19.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Patterson, Scott, Swift and Wilson—12.

So the section was stricken out.

Mr. Goddard moved to add the following additional sections:

Sec. 5. Upon proceedings instituted by the Attorney General in *quo warranto*, if the summons be returned not served, the Clerk of the Supreme Court of Franklin county shall make out and cause to be published, for four successive weeks, in some newspaper published in said county, a notice of the filing of the information, setting forth the substance thereof, and if the defendant shall not plead to such information in thirty days after the last publication, judgment may be rendered on such default in like manner as if the writ had been returned duly served.

Sec. 6. Suits may be brought in the Court of Common Pleas of Franklin county by the Attorney General, for the recovery of debts due the State, whether the same are due from a public officer, or otherwise, where the Attorney General shall state his opinion according to the 19th Section of the original act that there is more than five hundred dollars due, although the defendant or defendants may reside in some other county.

Sec. 7. The authority given by the act to which this is an amendment, to summon witnesses from beyond the county, shall not be so construed as to prevent the taking of depositions in the mode provided by law.

On motion of Mr. Chase,

The bill and pending amendment were committed to a select committee of two, Messrs. Chase and Goddard.

Mr. Chase, from the committee on Finance, to which was referred S. No. 101; To amend the law passed March 2, 1846, to tax money brokers, referred the same back with amendments.

The question being on agreeing to the amendments,

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 23, nays 10, as follows:

Those who voted in the affirmative were,

Messrs. Ankeny, Archbold, Backus, Beaver, Blocksom, Burns, Byers, Chase, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Horton, Lewis, Myers, Patterson, Scott, Swift, Vinal, and Speaker—23.

Those who voted in the negative, were

Messrs. Blake, Claypool, Conklin, Corwin, Haines, Hendricks, Judy, Kendall, Wilson and Worcester—10.

So the amendment was agreed to.

The question being on the engrossment of the bill,

Mr. Wilson demanded the yeas and nays thereon, which were ordered, and resulted—yeas 26, nays 6, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blocksom, Burns, Byers, Chase, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Graham, Haines, Horton, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Wilson, and Speaker—26.

Those who voted in the negative were

Messrs. Blake, Claypool, Corwin, Hendricks, Judy and Worcester—6.

So the bill was ordered to be engrossed.

The bill was then engrossed at the Clerk's desk and read a third time.

Ordered that the title be as aforesaid.

Mr. Backus, from the committee on Finance, to which was referred H. No. 263; To amend the act entitled "an act to amend the act for levying taxes on all property in this State according to its true value, passed March 2, 1846, reported the same back with one amendment which was agreed to.

Also H. No. 280; To incorporate the Pickaway County Savings Institute at Circleville, reported the same back.

Also H. No. 293; To authorize the sale of certain forfeited lands in Wyandotte county, reported the same back.

Said bills were ordered to a third reading to-morrow.

Also Senate resolution relative to selling the interest of the State in certain turnpikes, canals &c., reported the same back, and recommended the postponement of the same until the first Monday in Dec. next; agreed to.

Also S. No. 36 ; To amend the acts relating to the collection of taxes in the city of Toledo, reported the same back and recommended the indefinite postponement of the bill ; agreed to.

Also H. No. 227 ; Amendatory of the act entitled "an act supplementary to the act pointing out the mode of levying taxes," reported the same back.

Committed to the committee on the Judiciary.

Mr. Swift from the committee on New Counties, to which was referred the petitions, remonstrances, &c., relative to the erection of the new county of Chester, reported the same back.

Also the petitions relative to the new county of Orange, reported the same back, and recommended the postponement of each until the first Monday in December next ; which was agreed to.

Also H. No. 241 ; To attach South and Middle Bass Islands to Erie county, reported the same back.

Committed to a select committee of two, Messrs. Worcester and Myers.

Mr. Vinal, from the committee on Claims, to which was referred the claim of William D. Gilmore for arresting a supposed criminal, reported the same back and asked to be discharged from the same : which was agreed to.

The Speaker laid before the Senate the Special report of the Auditor of State, containing the reports of all the agents to examine certain banks.

(See Vol. Pub. Doc.)

Laid on the table to be printed.

On leave, on motion of Mr. Ankeny,

The committee of the whole were discharged from the further consideration of S. No. 248, to amend the act authorizing the Commissioners of Fairfield county to subscribe stock in a Railroad company, passed February 24, 1848.

Committed to the committee on Railroads and Turnpikes.

Mr. Byers moved that the Senate take a recess.

Mr. Corwin demanded the yeas and nays thereon, which were ordered and resulted yeas 15, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blocksom, Chase, Claypool, Dimmock, Haines, Hendricks, Horton, Judy, Kendall, Patterson, Scott and Swift—15.

Those who voted in the negative were,

Messrs. Backus, Blake, Burns, Byers, Corwin, Dennison, Dubbs, Evans, Goddard, Graham, Lewis, Myers, Vinal, Wilson, Worcester and Speaker—16.

So the motion was lost.

Mr. Hendricks, from the select committee on the subject, to which was referred H. No. 216, to authorize the town council of Miamisburgh to levy a tax to construct a free turnpike road, reported the same back.

Ordered to be read a third time to-morrow.

Mr. Dennison, from the minority of the committee on the Judiciary, to which was referred S. No. 24, relative to the powers and duties of the State Auditor, and the majority report on the same, made the following report:

(*See Appendix p. 33.*)

Laid on the table to be printed.

Mr. Archbold moved that the Senate take a recess until 3 o'clock.

Mr. Corwin demanded the yeas and nays thereon, which were ordered and resulted yeas 14, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Beaver, Burns, Byers, Chase, Dubbs, Evans, Graham, Goddard, Haines, Horton, Myers, Scott and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Blake, Corwin, Dennison, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—10.

So the Senate took a recess until 3 o'clock.

THREE O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Archbold, Backus, Beaver, Claypool, Dubbs, Ewing, Graham, Hendricks, Patterson, Scott, Swift, Whitman and Worcester were absent.

A quorum appearing,

On motion,

All further proceedings under the call were dispensed with.

Mr. Myers, on leave, introduced the following bill:

S. No. 267: To repeal an act therein named.

Said bill was then read the first time.

Mr. Archbold, from the committee on the Judiciary, to which was referred S. No. 171, to amend an act for the relief of occupying claimants of land, reported the same back with amendments, which were agreed to.

Ordered to be engrossed, and read a third time to-morrow.

Mr. Corwin, from the committee on Corporations, to which was referred H. No. 228, to incorporate the Mt. Pleasant Academy, in Kingston, Ross county, reported the same back.

Committed to a select committee of one—Mr. Emrie.

Mr. Hendricks, from the select committee to which was referred S. No. 70, to divorce Caleb Baker from his wife Sarah Baker, reported the same back and recommended its engrossment.

On motion of Mr. Claypool,
The bill was indefinitely postponed.

Mr. Beaver, from the select committee to which was referred H. No. 334, to incorporate the Warren and Gustavus Plank Road company, in Trumbull county, reported the same back.

Said bill was ordered to be read a third time to-morrow.

Also, S. No. 64; To prevent Magistrates of counties, cities or towns corporate, Judges, Justices of the Peace, and other public officers, from acting in official capacity in cases of alledged fugitives from labor, denominated slaves, to prohibit the use of jails and other public buildings to slave captors, reported the same back and recommended its engrossment.

Mr. Claypool moved that the bill be indefinitely postponed.

Mr. Beaver demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 12, as follows :

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dennison, Dubbs, Emrie, Evans, Goddard, Judy, Kendall, Scott and Vinal—17.

Those who voted in the negative were

Messrs. Beaver, Bennett, Blake, Corwin, Dimmock, Haines, Hendricks, Horton, Lewis, Myers, Swift and Speaker—12.

So the bill was indefinitely postponed.

Mr. Swift, from the select committee to which was committed H. No. 272, to amend the act entitled an act to incorporate the Portage County Mutual Fire Insurance company, passed February 11, 1832, reported the same back.

Also, H. No. 298; To amend the act to encourage the organization of Fire companies and to repeal former acts, passed February 8, 1847, reported the same back.

Mr. Emrie, from the select committee to which was referred H. No. 228, to incorporate the Mt. Pleasant Academy in Kingston, Ross county, reported the same back with one amendment, which was agreed to.

Mr. Conklin, from the select committee to which was committed S. No. 258, to authorize subscriptions to the capital stock of the Bellefontaine and Indiana Railroad company, by towns and townships on the line of said road, reported the same back.

Ordered to be engrossed.

Mr. Archbold, from the select committee to which was committed H. No. 247, to extend the corporate limits of the town of Clarington, in the county of Monroe, reported the same back.

Said bills were severally ordered to be read a third time to-morrow.

Mr. Dennison, from the select committee to which was committed Senate joint resolution relative to the toll on salt, reported the same back and recommended its passage.

Mr. Blake moved the indefinite postponement of the resolution; which was lost.

The resolution was then agreed to.

Mr. Bennett, from the select committee on the subject, introduced the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the Board of Public Works is hereby authorized to raise the waste weirs in the embankments of Sugar creek dam, to a level with said embankments, provided, that in their opinion the same can be done without jeopardising the Ohio canal, or that said canal can be protected by establishing waste weirs in some less objectionable place.

The following bills were severally read the second time and committed as follows:

H. No. 372; To incorporate the Sunfish Railroad company.

Committed to committee on Railroads and Turnpikes.

H. No. 388; To incorporate the Perrysburgh and Maumee Union Bridge company.

H. No. 343; Further to amend the act entitled an act to incorporate the town of Fulton, in the township of Fulton, in the county of Hamilton, passed February 6, 1832.

Said bills were committed to the committee on Corporations.

H. No. 318; To incorporate the Higginsport, Russellville and Eckmansville Turnpike Road company.

Committed to the committee on Railroads and Turnpikes.

H. No. 347; To enable corporations on the line of Cincinnati and Sandusky Telegraph company, to subscribe to the stock of the said company.

Committed to the committee on Corporations.

S. No. 265; To incorporate the Bryan Plank Road company.

Committed to the committee on Railroads and Turnpikes.

The following bills were read a third time and passed:

S. No. 67; To aid the Ohio and Mississippi Railroad Company.

H. No. 98; To authorize the trustees of the original surveyed township in Brown township, in Athens county, to lease to the original lessees, or their assigns, section 29 in said township.

H. No. 188; To amend an act entitled an act to incorporate the towns of New Richmond and Sasana, in the county of Clermont, and the acts amendatory thereto.

H. No. 190; To amend the act entitled an act to incorporate the town of Xenia, in the county of Green, passed February 9, 1830, and for other purposes.

H. No. 229; To lay out and establish a State road in the counties of Jackson and Athens.

H. No. 232; To incorporate the Circleville, Darbyville and London Turnpike Road Company.

H. No. 254; Supplementary to an act entitled an act to incorporate the Washington Fire Engine Company of the town of Mt. Vernon, passed February 18, 1840.

H. No. 255; To repeal an act entitled an act to lay out and establish a certain free turnpike therein named.

H. No. 284; To amend an act to establish a graded State road in the counties of Gallia, Meigs and Athens.

H. No. 285; To amend an act entitled an act to lay out and establish a graded State road in the counties of Gallia and Jackson.

H. No. 317; To extend the time of payment for school section sixteen, in Canton township, Stark county.

H. No. 327; To incorporate the London and Mt. Sterling Turnpike Company.

H. No. 346; To incorporate the Stillwater and Darke county Turnpike Company.

H. No. 359; To extend the time of payment to purchasers of school section sixteen, in township four and range four in Warren county.

Ordered that the titles be as aforesaid.

The following bill was read a third time.

H. No. 271; To incorporate the Mahoning Plank Road Company. Committed to a select committee of one, Mr. Blocksom.

H. No. 350; To alter the plat of the village of Sullivan, in Ashland county.

Committed to a select committee of one, Mr. Byers.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution in concurrence of the Senate is requested.

Relative to the appointment of appraisers for the Western Reserve school lands.

Attest:

STANLEY MATTHEWS, Clerk.

House resolution was committed to the select committee on the sale of School Lands.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bill.

S. No. 108; To establish a Land Office at Defiance.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House requests an attested copy of the vote of the Senate on the final passage of S. No. 6; To provide for the ascertaining of the will of the people of this State, upon the question of calling a convention to amend or change the constitution of the same.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Goddard,

The request was acceded to.

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to the Senate joint resolution;
Relative to taking gravel from the old Penitentiary lot.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following joint resolution, in which the
concurrence of the Senate is requested:

Relative to the Warren county canal.

Attest:

STANLEY MATTHEWS, Clerk.

House resolution was referred to the committee on Public Works
and Public Lands.

Message from the House of Representatives:

Mr. Speaker:

The following bill has been introduced into the House and read the
first time:

H. No. 390; To authorize John J. Higgins, guardian of the minor
heirs, to convey real estate to Catharine M. Hamer.

H. No. 391; To authorize any turnpike company to construct their
road in whole or in part with plank.

H. No. 392; To authorize the sale of school section sixteen in
Wells township, Jefferson county.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill:

H. No. 351; To authorize the commissioners of Stark county to sub-
scribe stock in the Ohio and Pennsylvania Rail Road company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House refuses to pass S. No. 228; Authorizing the commission-
ers of Scioto county to subscribe to the capital stock of the Scioto and
Hocking Valley Rail Road company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolutions:

Relative to allowing certain claims.

Relative to the introduction of bills after the 15th day of March.

Attest:

STANLEY MATTHEWS, Clerk.

Relative to claims was committed to the committee on claims.
Relative to the introduction of bills, was agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

S. No. 147; To incorporate the Columbus and Blendon Turnpike company.

S. No. 162; Further to amend the act incorporating the Wayne, Medina and Cuyahoga Turnpike company.

S. No. 178; Further to amend an act regulating rail road companies, passed February 11, 1848, and for other purposes.

S. No. 189; To legalize a change in the plat of Winchester in Fairfield county, and to confirm the conveyances made by Reuben Dove's addition to said town of Winchester, of the north half of lots No. 17 and 18 to Jacob Ruse and others.

S. No. 207; To establish a free turnpike road from New Paris to New Westville, in Preble county.

S. No. 184; To amend the act entitled "an act to incorporate the Millville and Milton Turnpike company."

S. No. 193; To amend the act entitled an act to incorporate the Bellefontaine and Indiana Rail Road company, passed February 23, 1848.

S. No. 200; To extend the corporate limits of the town of Medina, in the county of Medina.

S. No. 201; To authorize the establishment of a poor house and hospital by the city of Cleveland, with amendments.

S. No. 202; To authorize the town council of the town of Warren, Trumbull county, to assess and collect an additional tax for fire purposes.

S. No. 222; To incorporate the Bellevue, Monroeville, Norwalk and Birmingham Plank Road company.

S. No. 234; To incorporate the Columbus Horticultural Society.

S. No. 241; To extend the time of payment for the north-west quarter of section sixteen in Perry township, Morrow county.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to S. No. 201, were agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bill with an amendment:

S. No. 58; To incorporate the Toledo and Woodville Plank Road company, with an amendment.

The House has also agreed to Senate amendments to the following bills.

H. No. 230; To extend the corporate limits of the town of Mt. Sterling, in the county of Madison.

H. No. 237; To incorporate the town of Palestine in the county of Darke.

H. No. 240; To incorporate the Trumbull, Portage and Geauga Plank Road company.

H. No. 307; To attach sections one and two in Bloomfield township, Richland county, to Sandusky township in said county.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to S. No. 58 were agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 201; To incorporate the Union Society of Oberlin Collegiate Institute.

H. No. 292; To amend the act entitled an act to regulate public shows, passed February 28, 1831.

H. No. 319; To amend the charter of the city of Ohio.

H. No. 323; To authorize the Governor to make deeds to certain school lands in Meigs county.

H. No. 324; Further to amend the act entitled an act to incorporate the town of Fairport, passed March 14, 1836.

H. No. 338; To incorporate the Clifton, Cedarville and Jamestown Turnpike Road company.

H. No. 326; To incorporate the Black river and Amherst Plank Road company.

H. No. 335; To incorporate the Hamilton and Mason Turnpike Road company.

H. No. 336; To incorporate the Methodist Episcopal church in the town of Tarkenton, Pickaway county.

H. No. 337; To incorporate the town of New Burlington, in the counties of Clinton and Green.

H. No. 339; To incorporate the Sidney Lodge, No. 60, of the Independent Order of Odd Fellows.

H. No. 341; To incorporate the Miami and Toledo Plank company.

H. No. 344; To amend the act entitled an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed February 21, 1843.

S. No. 38; To authorize the town Council of the town of Sidney, to subscribe to the capital stock of the Sidney and Waupakonneta Turnpike Road company, with amendments.

S. No. 60; To amend an act incorporating the Cincinnati, Lebanon and Springfield Turnpike company.

S. No. 80; To amend an act entitled an act to incorporate the town of Mansfield, in the county of Richland, and to repeal all acts now in force in relation thereto, passed March 13, 1843.

S. No. 105; To incorporate the Marion Hall Building company of Mt. Healthy, Hamilton county, Ohio.

S. N. 125; To amend an act entitled an act to incorporate the town of Sidney, passed March 1, 1834.

S. No. 145; To amend the act to authorize Maskingum county, and the town of Zanesville, to subscribe to the capital stock of the Central Ohio Rail Road, with one amendment.

S. No. 189; To authorize the town Council of Newark, to subscribe to the capital stock of the Newark Plank Road company.

S. No. 212; In relation to the Miami Canal, the Miami Extension, and the Wabash and Erie Canal.

S. No. 214; To incorporate the Bucyrus and Shelby Plank Road company.

S. No. 235; To organize the county of Ashland a separate Brigade.

Attest:

STANLEY MATTHEWS, Clerk.

House bills were read the first time.

S. No. 38; With House amendments were committed to a committee of one—Mr. Conklin.

S. No. 145; With House amendments were committed to a committee of one—Mr. Goddard.

Mr. Dimmock offered for adoption the following resolution:

Whereas, an opinion extensively prevails among a large and respectable portion of the freemen of Ohio, that the bill of the last session of the General Assembly, commonly known as the apportionment bill, and now upon our statute book, purporting to be a law, never was adopted and passed by the General Assembly according to its constitutional rules, and the usage and requirement of Parliamentary law, and that said bill is not a law, and of no binding force upon the people—Therefore

Resolved, That a select committee of three be appointed by the Speaker of the Senate, to inquire into the manner of the passage of said bill, being Senate bill No. 70, of the last session, and to report the facts to this Senate as soon as practicable.

Mr. Byers offered the following as an amendment:

And also, to inquire into the fact whether or not corrupt and fraudulent alterations of the journals of the same session of the House and Senate were made.

The question being on the adoption of the amendment.

Mr. Backus moved to refer the resolution and pending amendment to a select committee of one.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Claypool, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Evans, Graham, Myers, Patterson, Scott, Swift and Wilson—15.

So the motion was lost.

The question being on the adoption of the preamble and resolution, as amended.

Mr. Blake offered the following amendment, which was agreed to.

"And that said committee be instructed to inquire into the conduct of the fifteen Senators who left the Senate Chamber, and refused to comply with their oaths and perform their duties as Senators."

Mr. Goddard moved to amend as follows, which was agreed to.

And that the committee have power to send for persons and papers, and (with the aid of a judicial officer,) to administer oaths.

The question being on the adoption of the preamble and resolution, as amended.

Mr. Goddard called for a division.

The question being on agreeing to the resolution.

Mr. Burns moved to amend the resolution by striking out "three" and insert "four."

The same gentleman demanded the yeas and nays which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Evans, Graham, Myers, Patterson, Scott, Swift and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the amendment was lost.

The question recurring on the adoption of the resolution

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted—yeas 22, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dimmock, Dubbs, Evans, Goddard, Graham, Lewis, Myers, Patterson, Scott, Swift and Wilson—22.

Those who voted in the negative, were

Messrs. Corwin, Haines, Hendricks, Horton, Judy, Kendall, Vinal, Worcester and Speaker—9.

So the resolution was adopted.

The question then being on agreeing to the preamble,

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Ankety, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Evans, Graham, Myers, Patterson, Scott, Swift, and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Claypool, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the Preamble was disagreed to.

Mr. Wilson gave notice that he would, on to-morrow or some subsequent day of the present session, ask leave to introduce a bill in relation to the state road leading from Lower Sandusky to Findley.

On motion of Mr. Lewis,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

THURSDAY, MARCH 15, 1849.

The Speaker laid before the Senate the special report of the Warden of the Ohio Penitentiary, in answer to Senate resolution.

Committed to a select committee of one—Mr. Byers.

Mr. Myers presented the petition of the trustees of Royalton township, Lucas county, and 27 citizens, for the extension of the time of payment of part of school section 16, in said township.

Committed to the committee on Schools and School Lands.

Mr. Corwin, from the committee on Corporations, to which was referred H. No. 388; To incorporate the Perrysburg and Maumee Union Bridge Company, reported the same back.

Also, H. No. 347; To enable corporations on the line of the Cincinnati and Sandusky Telegraph Company to subscribe to the stock of the said company, reported the same back.

Said bills were ordered to be read a third time to-morrow.

Mr. Worcester, from the committee on the Judiciary, to which was referred the petition of Samuel McIlrath and other citizens of East Cleveland, relative to school and other taxes, made the following report:

(See Appendix, p. 354.)

The committee asked to be discharged from the further consideration of the petition, which was agreed to.

Mr. Blocksom, from the committee on Railroads and Turnpikes, to which was referred S. No. 248; To amend the act authorizing the commissioners of Fairfield county to subscribe stock in a railroad company, passed Feb. 24, 1848, reported the same back.

Ordered to be engrossed.

Also, H. No. 318; To incorporate the Higginsport, Russellville and Eckmansville Turnpike Road Company, reported the same back.

Also, H. No. 372; To incorporate the Sunfish Railroad Company, reported the same back.

Said bills were ordered to be read a third time to-morrow.

Mr. Goddard, from the select committee to which was referred S. No. 145, with House amendment thereto, reported the same back and recommended that the Senate disagree to House amendment, which was agreed to.

Mr. Worcester, from the select committee to which was referred House joint resolution appointing appraisers for the sale of the Western Reserve school lands, reported the same back and recommended its adoption.

Mr. Swift moved to strike out "John Coddington" and insert "Elihu C. Sackett."

Mr. Wilson moved a call of the Senate, which was ordered and Messrs. Archbold, Chase, Ewing, Graham, Patterson and Whitman were absent.

On motion,

All further proceedings under the call were dispensed with.

The question being on agreeing to the amendment,

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted yeas 16, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Deppison, Goddard, Haines, Hendricks, Horton, Judy, Keadall, Lewis, Vinal, Worcester and Speaker—17.

So the amendment was disagreed to.

Mr. Wilson moved to lay the resolution on the table.

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the motion was lost.

The question recurring on the passage of the resolution,

Mr. Wilson demanded the yeas and nays thereon, which were ordered and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbe, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

So the Senate refused to pass the resolution.

Mr. Vinal, (on leave) from the committee on Claims, to which was referred House joint resolution relative to certain claims, reported the same back with one amendment. Strike out of James A. Astor's amount "eighty," and insert "eight," which was agreed to.

The resolution as amended was agreed to.

Mr. Dimmock (on leave) presented the petition of practical printers of Columbus, praying for protection against "rats."

Committed to a select committee of one—Mr. Dimmock.

Mr. Conklin, from the select committee to which was referred S. No. 38, with House amendments thereto, reported the same back and recommended that the Senate agree to the first and disagree to the balance, which was agreed to.

Mr. Wilson, (on leave) in accordance with previous notice, introduced the following bill:

S. No. 268; In relation to the state road leading from Lower Sandusky to Findley.

Said bill was read the first time.

The constitutional rule was suspended, and said bill was read a second time and committed to a select committee of two—Messrs. Wilson and Conklin.

Mr. Blocksom, from the select committee to which was referred H. No. 271; To incorporate the Mahoning Plank Road Company, reported the same back with one amendment, which was agreed to.

Said bill was then passed.

Ordered, that the title be as aforesaid.

The following bills were read a second time and committed as follows:

S. No. 266; To lay out and establish the Portage free turnpike in the county of Wood.

Committed to the committee on Railroads and Turnpikes.

H. No. 201; To incorporate the Union Society of Oberlin Collegiate Institute.

H. No. 292; To amend the act entitled "an act to regulate public shows," passed Feb. 28, 1831.

H. No. 319; To amend the charter of the city of Ohio.

Said bills were referred to the committee on Corporations.

H. No. 323; To authorize the Governor to make deeds to certain School lands in Meigs county.

Committed to the committee on the Judiciary.

H. No. 324; Further to amend the act entitled an act to incorporate the town of Fairport, passed March 14, 1836.

Committed to the committee on Corporations.

H. No. 333; To incorporate the Clifton, Cedarville and Jamestown Turnpike Road Company.

Committed to the committee on Railroads and Turnpikes.

H. No. 328; To incorporate the Black River and Amherst Plank Road Company.

H. No. 335; To incorporate the Hamilton and Mason turnpike road company.

Said bills were committed to the committee on roads and highways.

H. No. 336; To incorporate the Methodist Episcopal church in the town of Tarkon, Pickaway county.

H. No. 337; To incorporate the town of New Burlington, in the counties of Clinton and Greene.

H. No. 339; To incorporate Sidney Lodge No. 60, of the independent order of Odd Fellows.

Said bills were committed to the committee on corporations.

H. No. 341; To incorporate the Miami and Toledo plank road company.

Committed to the committee on railroads and turnpikes.

H. No. 344; To amend the act entitled an act to regulate the sale of Ministerial and School lands, and the surrender of permanent leases thereto, passed Feb. 2, 1843.

Committed to the committee on schools and school lands.

S. No. 267; To repeal an act therein named.

Committed to the committee on the judiciary.

The following bills were read a third time and passed:

S. No. 171; To amend an act for the relief of occupying claimants of land.

S. No. 193; To amend an act entitled an act to amend an act directing the mode of proceeding in chancery, passed February 21, 1846.

S. No. 258; To authorize subscriptions to the capital stock of the Bellefontaine and Indiana Railroad company, by towns and townships on the line of said road.

H. No. 216; To authorize the town council of Miamisburg to levy a tax to construct a free turnpike road.

H. No. 272; To amend the act entitled an act to incorporate the

Portage county mutual fire insurance company, passed February 11, 1832.

H. No. 280; To incorporate the Pickaway county Savings Institute at Circleville.

H. No. 293; To authorize the sale of certain forfeited lands in Wyandott county.

H. No. 298; To amend the act to encourage the organization of fire companies, and to repeal former acts, passed Feb. 8, 1847.

H. No. 334; To incorporate the Warren and Gustavus plank road company, in Trumbull county.

Ordered that the titles be as aforesaid.

The following bills were read a third time:

H. No. 228; To incorporate the Mt. Pleasant Academy, in Kingdon, Ross county.

The question being on agreeing to the title,

On motion of Mr. Emrie,

The title was amended as follows:

“And in relation to the Hillsborough Academy.”

The title as amended was agreed to and the bill was passed.

Ordered that the title be as amended.

H. No. 263; To amend the act entitled an act to amend the act for levying taxes on all property in this state according to its true value, passed March 2, 1846 and for other purposes.

Committed to a select committee of two—Messrs. Myers and Denison.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 316; To incorporate the Defiance Female Seminary, in the county of Defiance.

Attest:

STANLEY MATTHEWS, Clerk.

House bill was read the first time.

Mr. Hendricks, from the committee on Enrollment, made the following report:

The committee on Enrollment report, that they have examined and find correctly enrolled the following bills and resolutions.

An act to revive the fourth section of a certain act therein named.

An act to incorporate the town of New Fort Ball.

An act to incorporate the Bellevue, Monroeville, Norwalk and Birmingham plank road company.

An act to incorporate the town of St. Marys, in Auglaize county, and to repeal certain acts.

An act to extend the corporate limits of the town of Medina, in the county of Medina.

38—2. J.

An act to authorize the town council of the town of Warren, Trumbull county, to assess and collect an additional tax for fire purposes.

An act to amend the act entitled an act to incorporate the Millville, Riley and Milton turnpike company.

An act further to amend the act incorporating the city of Cincinnati, passed March 1, 1834.

An act to amend the act entitled an act to incorporate the Bellefontaine and Indiana railroad company, passed Feb. 22, 1848.

An act further to amend the act incorporating the Wayne, Medina and Cuyahoga turnpike company.

An act further to amend the act entitled an act to incorporate the Toledo, Sandusky and Michigan city railroad company, and the several acts amendatory thereto.

An act to legalize a change in the town plat of Winchester, in Fairfield county, and to confirm the conveyance made by Reuben Dove, proprietor of Dove's addition to said town of Winchester, to the north half of lots Nos. 17 and 18, to Jacob Ruse, and others.

An act to establish a land office at Defiance.

An act to establish a free turnpike road from New Paris to New Westville, in Preble county.

An act further to amend an act regulating railroad companies, passed Feb. 11, 1848, and for other purposes.

A resolution relative to paying William Dennison the sum of \$115 44 cents.

A resolution relative to investigating the Miami University.

Mr. Byers offered the following, which was agreed to.

WHEREAS, The Library of the state does not contain a full set of the laws and journals of the Ohio Legislature: And whereas, it is necessary to secure and preserve one copy of each, Therefore,

Be it Resolved, That the State Librarian be instructed to report to this legislature, at his earliest convenience, what volumes of the laws and of the journals, of the Senate and House of Representatives, are required to complete a full set; what copies within his knowledge can be procured; what price per copy is asked for them; in whose hands said copies now are, and what is the ground of ownership, claimed by the persons holding them.

On motion of Mr. Burns,

S. No. 50; To establish the ten hour system of labor in this state, was taken up.

The question being on the engrossment of the bill,

Mr. Scott moved to strike out the 5th section.

Mr. Backus moved to commit the bill and amendment to a select committee of one.

Mr. Corwin moved that the bill and pending amendment be indefinitely postponed.

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Bennett, Blocksom, Chase, Claypool, Conklin, Corwin, Emrie, Goddard, Haines, Hendricks, Horton, Kendall, Whitman and Worcester—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Burns, Byers, Dennison, Dimmock, Dubbs, Evans, Judy, Lewis, Myers, Scott, Swift, Vinal, Wilson and Speaker—17.

So the motion was lost.

The question recurred on recommitting to a select committee.

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Bennett, Blake, Byers, Chase, Claypool, Dubbs, Goddard, Haines, Judy, Lewis, Myers, Vinal, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Beaver, Blocksom, Burns, Conklin, Corwin, Dennison, Dimmock, Emrie, Evans, Hendricks, Horton, Kendall, Scott, Swift, Worcester and Speaker—16.

So the motion was lost.

The question then turned on striking out the fifth section.

Mr. Byers demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Bennett, Burns, Chase, Claypool, Corwin, Dubbs, Goddard, Haines, Horton, Judy, Kendall, Lewis, Myers, Scott, Swift, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Beaver, Blake, Blocksom, Byers, Conklin, Dennison, Dimmock, Emrie, Evans, Hendricks, Whitman and Wilson—14.

So the section was stricken out.

Mr. Goddard moved that the bill be indefinitely postponed.

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 22, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Blocksom, Bennett, Byers, Chase, Claypool, Conklin, Corwin, Emrie, Evans, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Myers, Patterson, Whitman, Wilson and Worcester—22.

Those who voted in the negative, were

Messrs. Backus, Blake, Burns, Dennison, Dimmock, Dubbs, Judy, Scott, Swift, Vinal and Speaker—11.

So the bill was indefinitely postponed.

Mr. Wilson, on leave, from the select committee to which was committed S. 268; In relation to the State road leading from Lower Sandusky to Findlay, reported the same back.

Said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Whitman, on leave, from the committee on schools and school lands, introduced the following bill:

S. 269: To extend the time of payment for certain school lands in Lucas county.

Said bill was read the first time.

The constitutional rule was suspended, and said bill was read the second time, and committed to a select committee of one—Mr. Whitman.

Mr. Backus, on leave, from the committee on Finance, introduced the following bill:

S. 270: To provide for the taxation of the Little Miami Railroad Company.

Said bill was read the first time.

Mr. Corwin, on leave, from the committee on corporations, to which was committed H. 201: To incorporate the Union Society of Oberlin Collegiate Institute, reported the same back.

Also, H. 339: To incorporate Sidney Lodge, No. 60, Independent Order of Odd Fellows, reported the same back, and said bills were indefinitely postponed.

Mr. Chase, on leave, from the select committee to which was committed H. 191: To amend the act entitled an act to create the office of Attorney General, and prescribe his duties, passed February 16, 1846, and the act amendatory thereof, reported the same back with amendments, which were agreed to.

Mr. Scott moved to strike out all after the enacting clause, and insert "the act entitled an act creating the office of Attorney General passed February 16, 1846, is hereby repealed."

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 11, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Scott, Swift and Wilson—11.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Bennett, Blocksom, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Myers, Vinal, Whitman, Worcester and Speaker—19.

So the motion was lost.

On motion of Mr. Goddard,

The bill was committed to a select committee of two—Messrs. Goddard and Wilson.

Mr. Dubbs, on leave, introduced the following bill:

S. 271: To amend an act to provide for the recording of town plats, passed March 3, 1831.

Said bill was read the first time.

The constitutional rule was suspended, and said bill was read the

second time and committed to a select committee of one—Mr. Dubbs.

The same gentleman offered the following:

Resolved, That two thousand extra copies of the majority report, and the same number of the minority report, of the judiciary committee, on bill 214: Concerning the powers and duties of the State Auditor, be printed for the use of the Senate.

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 6, nays 23, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Chase, Conklin, Dimmock, Dubbs and Speaker—6.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Blake, Blocksom, Bennett, Burns, Byers, Corwin, Emrie, Evans, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Myers, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—23.

So the motion was lost.

Mr. Dennison moved to take up the motion to reconsider the vote on S. 179: In relation to the old penitentiary lot, in the city of Columbus, which was agreed to.

The question being on reconsidering the vote,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 17, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Blake, Bennett, Chase, Conklin, Corwin, Dennison, Dimmock, Evans, Haines, Hendricks, Judy, Kendall, Vinal, Wilson, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Blocksom, Burns, Byers, Dubbs, Emrie, Goddard, Horton, Myers, Scott, Swift and Whitman—13.

So the vote was reconsidered.

On motion of Mr. Dennison,

Said bill was committed to a select committee of two—Messrs. Dennison and Wilson.

Mr. Goddard moved to reconsider the vote on the indefinite postponement of H. 192: For the more speedy administration of justice in Hamilton county.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Blocksom, Bennett, Byers, Chase, Dimmock, Dubbs, Evans, Goddard, Haines, Scott and Wilson—13.

Those who voted in the negative, were

Messrs. Beaver, Blake, Burns, Conklin, Corwin, Dennison, Emrie, Hendricks, Horton, Judy, Kendall, Myers, Swift, Vinal, Whitman, Worcester and Speaker—17.

So the motion was lost.

On motion of Mr. Goddard,

The committee of the whole were discharged from the further consideration of the following bills:

S. 253: To amend an act entitled an act regulating judgments and executions, passed April 3, 1837.

Committed to the committee on the judiciary,

S. 260: To reduce the value of real estate for purposes of taxation.

Committed to the committee on Finance.

Mr. Whitman, on leave, from the select committee to which was referred S. No. 269, to extend the time of payment for certain school lands in Lucas county, reported the same back.

Said bill was ordered to be engrossed and read a third time tomorrow.

On motion of Mr. Wilson,

The remonstrance against chartering the Tiffin Savings Institute, was taken up and referred to a select committee of one—Mr. Whitman.

On motion of Mr. Myers,

Senate bill No. 268 was referred to the committee on Finance.

On motion of Mr. Byers,

The Senate took a recess.

TWO O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Ankeny, Archbold, Backus, Byers, Claypool, Dennison, Emrie, Evans, Ewing, Graham, Judy, Patterson, Swift and Whitman were absent.

A quorum appearing,

On motion,

All further proceedings under the call were dispensed with.

Mr. Scott, on leave, introduced the following bill:

S. No. 272; To incorporate the Defiance and Findley Plank Road company.

Said bill was read the first time.

The constitutional rule was suspended and said bill was read a second time and committed to the committee on Railroads and Turnpikes.

Mr. Dennison, on leave, introduced the following bill:

S. No. 273; Relating to certain real estate in Franklinton, Franklin county.

Said bill was read the first time.

The constitutional rule was dispensed with, and the bill was read the second time and committed to a select committee of one—Mr. Dennison.

Mr. Myers, on leave, from the select committee to which was referred H. No. 263, to amend the act entitled an act to amend the act for levying taxes on all property in this State according to its true value, passed March 2, 1846, reported the same back.

Mr. Blake moved the indefinite postponement of said bill.

Mr. Myers moved that the bill be postponed until the first Monday in December next.

Mr. Dennison moved a call of the Senate, which was ordered, and Messrs. Archbold, Claypool, Conklin, Ewing, Graham, Patterson, Whitman and Wilson were absent.

On motion,

Messrs. Claypool and Graham were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the postponement of the bill until the first Monday in December next,

Mr. Blake demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 13, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blake, Blockson, Barnes, Byers, Chase, Dimmock, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—17.

Those who voted in the negative were

Messrs. Backus, Beaver, Bennett, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis and Worcester—13.

So the bill was postponed until the first Monday in December next.

Mr. Blake, on leave, introduced the following bill:

S. No. 274; To incorporate the Oberlin Plank Road company.

Said bill was read the first time.

The constitutional rule was suspended and said bill was read the second time and committed to the committee on Railroads and Turnpikes.

Mr. Goddard, on leave, from the select committee to which was referred S. No. 88, to fix the times for holding the court of common pleas in the eighth judicial circuit, reported the same back.

Said bill was laid on the table.

Mr. Chase, on leave, introduced the following bill:

S. No. 275; Further to amend the act to provide for the election of prosecuting attorney.

Said bill was read the first time.

Mr. Blockson, on leave, from the committee on Railroads and Turnpikes, to which was committed S. No. 259, to incorporate the Barnesville Railroad company, reported the same back with one amendment, which was agreed to.

Said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Chase, from the committee on Finance, to which was committed Senate resolution relative to taxing joint stock companies, made the following report, which was laid on the table to be printed:

[See Appendix, p. 29.]

The same gentleman introduced the following bill :
S. No. 276; To amend the act for levying taxes on all property of this State according to its true value.

Said bill was read the first time.

Mr. Blake moved to reconsider the vote on the postponement of House bill No. 263.

The same gentleman moved to lay the motion on the table.

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 17, nays 16, as follows :

Those who voted in the affirmative were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

So the motion was laid on the table.

On motion of Mr. Dimmock,

House bill No. 31; To exempt a homestead from levy and sale on execution, was taken up.

The question being on agreeing to the amendment from the Judiciary committee,

Mr. Myers moved to strike out "five hundred" and insert "eight hundred."

Mr. Byers moved that the Senate adjourn.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 6, nays 26, as follows:

Those who voted in the affirmative, were

Messrs. Burns, Byers, Corwin, Judy, Kendall and Patterson—6.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Bennett, Chase, Dennison, Dimmock, Dubbs, Emrie, Evans, Goddard, Haines, Hendricks, Horton, Lewis, Myers, Scott, Swift, Whitman, Wilson, Worcester and Speaker—26.

So the Senate refused to adjourn.

Mr. Emrie moved to strike out "five hundred," where it occurs, and insert "one thousand dollars."

Mr. Byers moved to insert "two hundred."

Mr. Beaver moved to insert "three hundred."

Mr. Archbold called for a division.

The question being on striking out, it was lost.

Mr. Whitman moved to strike out "forty acres in extent."

Mr. Goddard moved to postpone the bill and pending amendments until the first Monday in December next.

Mr. Ankeny moved a call of the Senate, which was ordered, and Messrs. Ewing and Graham were absent.

On motion,

All further proceedings under the call were dispensed with.

The question being on postponing the bill,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted, yeas 14, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Blocksom, Bennett, Byers, Chase, Claypool, Conklin, Corwin, Goddard, Haines, Horton, Judy, Kendall, Patterson and Vinal—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Burns, Dennison, Dimmock, Dubbs, Emrie, Evans, Hendricks, Lewis, Myers, Scott, Swift, Whitman, Wilson, Worcester and Speaker—20.

So the Senate refused to postpone the bill.

The question turned on striking out "forty acres in extent."

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted, yeas 16, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Burns, Byers, Claypool, Dennison, Dimmock, Emrie, Evans, Hendricks, Judy, Lewis, Myers, Scott, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Archbold, Beaver, Blake, Blocksom, Bennett, Chase, Conklin, Corwin, Dubbs, Goddard, Haines, Horton, Kendall, Patterson, Swift, Vinal and Worcester—17.

So the Senate refused to strike out.

Mr. Whitman moved to refer the bill and pending amendment to a select committee of three; which was agreed to.

Messrs. Dimmock, Beaver and Archbold were appointed said committee.

On motion of Mr. Ankeny,

So the Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

FRIDAY, MARCH 16, 1849.

Mr. Blocksom, from the committee on Railroads and Turnpikes, to which was referred H. No. 333, to incorporate the Clifton, Cedarville and Jamestown Turnpike company, reported the same back.

Also, H. No. 341, to incorporate the Miami and Toledo Plank Road company, reported the same back with one amendment, which was agreed to.

Also, S. No. 272, to incorporate the Defiance and Findley Plank Road company, reported the same back.

Ordered to be engrossed.

Said bills were ordered to be read a third time to-morrow.

Also, the memorial of Joseph Stanbery and others, citizens of Erie county, for the repeal of the 9th and 11th sections of the act regulating railroads, and asked to be discharged from the subject; which was agreed to.

Mr. Dennison, from the committee on the Judiciary, to which was referred H. No. 224, to provide for the appointment of trustees to minors residing out of this State, and having property in the same, reported the same back.

Said bill was ordered to be read a third time to-morrow.

The same gentleman, from the committee on Corporations, to which was committed S. No. 240, recognizing the New Orleans and Ohio Telegraph company, as a body corporate and politic within the State of Ohio, reported the same back without recommendation.

Mr. Scott moved the indefinite postponement of the bill.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 4, nays 30, as follows:

Those who voted in the affirmative, were

Messrs. Burns, Byers, Dimmock and Scott—4.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Bennett, Chase, Claypool, Conklin, Corwin, Dennison, Dubbs, Emrie, Evans, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—30.

So the Senate refused to indefinitely postpone the bill.

On motion of Mr. Goddard,

The bill was referred to a select committee of one—Mr. Goddard.

Mr. Judy, on leave, presented the petition of 216 citizens of Gilead township, Morrow county, for a tax for the erection of public buildings in the county of Morrow.

Committed to a select committee of one—Mr. Ankeny.

Mr. Myers, from the committee on Roads and Highways, to which was committed H. No. 328, to incorporate the Black River and Amherst Plank Road company, reported the same back with two amendments, which were agreed to.

Also, H. No. 336; To incorporate the Hamilton and Mason Turnpike Road comdany, reported the same back.

Said bills were ordered to be read the third time to-morrow.

Mr. Whitman, from the committee on the Judiciary, to which was referred S. No. 160, declaring valid a certain Sheriff's deed therein named, reported the same back, and recommended its engrossment.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 27, nays 3, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Bennett, Blake, Blocksom, Chase, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Haines, Hendricks, Horton, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—27.

Those who voted in the negative, were

Messrs. Burns, Byers and Goddard—3.

So the bill was ordered to be engrossed and read a third time to-morrow.

Mr. Swift, from the committee on the Currency, to which was committed S. No. 233, to amend the act entitled an act to incorporate the State Bank of Ohio and other Banking companies, passed February 23, 1846, reported the same back.

Mr. Burns moved the indefinite postponement of the bill.

Mr. Myers moved a call of the Senate, which was ordered, and Messrs. Ewing, Graham and Judy were absent.

On motion,

Messrs. Beaver, Ewing, Graham and Speaker were excused.

On motion,

All further proceedings under the call were dispensed with.

Mr. Conklin moved to refer the bill to a select committee of one.

The question being on the indefinite postponement,

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

So the Senate refused to indefinitely postpone the bill.

The question then turning on recommitting the bill to a select committee of one,

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

So the Senate refused to recommit.

Mr. Blake moved to amend the bill as follows:

First amendment, in 9th line, strike out "for all purposes," and insert "for all State purposes."

Second amendment, in 10th line strike out "cnnal, school, county, township, city and other."

Third amendment—insert in the 11th line, "and said bank shall pay the same amount of taxes on its capital stock for State purposes, as other property shall pay for State, county and all other purposes in the aggregate."

Mr. Myers moved to amend the third amendment as follows—strike out "capital stock," and insert, "notes, bills and other evidences of indebtedness, on which said bank receives interest or income."

The question being on the amendment to the amendment,

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

So the amendment to the amendment was disagreed to.

Mr. Blake withdrew his amendments.

Mr. Goddard offered the following amendment, which was agreed to:

"Provided further, that the said Clinton Bank of Columbus shall not be at liberty to become a branch of the State Bank of Ohio."

The question being on the engrossment of the bill,

Mr. Dennison moved to commit the bill to the committee on the Currency; which was agreed to.

Mr. Hendricks, from the committee on Enrollment, made the following report:

The committee of Enrollment report that they have examined and find correctly enrolled the following acts, to wit:

An act authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland and Pittsburgh Railroad company, and for other purposes.

An act to authorize the Commissioners of Highland county to subscribe to the capital stock of the Hillsborough and Cincinnati Railroad company.

An act to aid the Ohio and Mississippi Railroad company.

Mr. Archbold from the select committee to which was referred House joint resolution relative to the Public Works of the State, reported the same back and made the following report:

(*See Appendix, p. 359.*)

And asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. Burns, from the select committee to which was referred S. No. 264, to incorporate the Mansfield Female Seminary in the county of Richland, reported the same back with sundry amendments; which were agreed to.

Mr. Dubbs, from the select committee to which was referred S. No. 271, to amend an act to provide for the resurveying of town plats, passed March 3, 1831, reported the same back with sundry amendments; which were agreed to.

Said bills were ordered to be engrossed and read a third time tomorrow.

Mr. Dennison, from the select committee to which was committed S. No. 172, to amend the acts in relation to divorce and the care of children whose parents separate, reported the same back, and recommended the postponement of the same until the first Monday in December next; which was agreed to.

Mr. Whitman asked leave to record his vote on Senate bill No. 6, to provide for ascertaining the will of the people of this State upon the question of calling a convention to amend or change the constitution of the State.

Leave was granted, whereupon Mr. Whitman being called, voted "aye."

Mr. Ankeny, from the select committee to which was committed H. No. 300, to provide for the payment of seven thousand dollars by the people of Gilead township, Morrow county, to aid in the erection of public buildings, reported the same back and recommended its being ordered to a third reading.

Mr. Goddard offered the following amendment:

Strike out all after the enacting clause and insert "the act to erect

the county of Morrow be and the same is hereby repealed, and the territory constituting the same is hereby restored to the counties from which it was taken."

Mr. Myers demanded the yeas and nays thereon, which were ordered, and resulted yeas 3, nays 30, as follows:

Those who voted in the affirmative, were

Messrs. Goddard, Myers and Worcester—3.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Bennett, Burns, Byers, Chase, Claypool, Conklin, Dennison, Dimmock, Dubbs, Emrie, Evans, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Patterson, Scott, Swift, Vinal, Whitman, Wilson and Speaker—30.

So the amendment was disagreed to.

The question being on ordering the bill to be read a third time,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 21, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Bennett, Blake, Blocksom, Chase, Claypool, Conklin, Emrie, Evans, Haines, Hendricks, Judy, Kendall, Lewis, Myers, Patterson, Swift, Vinal, Whitman and Wilson—21.

Those who voted in the negative, were

Messrs. Backus, Beaver, Burns, Byers, Dennison, Dimmock, Dubbs, Goddard, Horton, Scott, Worcester and Speaker—12.

Said bills were ordered to be read a third time to-morrow.

On motion of Mr. Byers,

The Senate took a recess until 3 o'clock.

THREE O'CLOCK, P. M.

Mr. Wilson, from the select committee to which was committed H. No. 191, to amend the act entitled an act to create the office of Attorney General, and to prescribe his duties, passed February 16, 1846, and the acts amendatory thereof, reported the same back with sundry amendments, which were agreed to.

Ordered to be read a third time to-morrow.

Mr. Byers, from the select committee to which was committed the special report of the Warden of the Ohio Penitentiary, reported the same back.

Laid on the table.

Mr. Dennison, from the select committee to which was committed S. No. 179, in relation to the old Penitentiary lot in the city of Columbus, reported the same back with one amendment.

The question being on agreeing to the amendment,

Mr. Burns asked for a division.

The question being on striking out,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 21, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Bennett, Blake, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Emrie, Evans, Haines, Hendricks, Kendall, Lewis, Patterson, Vinal, Whitman, Wilson, Worcester and Speaker—21.

Those who voted in the negative, were

Messrs. Archbold, Beaver, Blocksom, Burns, Byers, Dubbs, Goddard, Horton, Judy, Myers, Scott and Swift—12.

So the motion to strike out was agreed to.

The question being on inserting, was agreed to.

The question being, Shall the bill pass?

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted, yeas 22, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Bennett, Blake, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Emrie, Evans, Haines, Hendricks, Kendall, Lewis, Patterson, Vinal, Whitman, Wilson, Worcester and Speaker—22.

Those who voted in the negative, were

Messrs. Archbold, Beaver, Blocksom, Burns, Byers, Dubbs, Goddard, Horton, Judy, Myers, Scott and Swift—12.

So the bill was passed

Ordered that the title be as aforesaid.

Mr. Backus, on leave, from the standing committee on Finance, to which was committed H. No. 325, making appropriations for the year 1849, reported the same back with the following amendments:

1st. In lines 19 and 20, of section 1, strike out "seventeen thousand," and insert "twenty thousand."

2d. In section 1, line 28, strike out "twenty-four," and insert "twenty eight."

3d. In section 1, line 31, after the word "thousand," insert "nine hundred."

4th. In section 1, line 32, after the word "fuel," insert "matron."

5th. In section 1, line 36, strike out "six hundred and fifty," and insert "nine hundred and fifty."

6th. In section 1, line 41, before the word "assistants," insert "matron."

7th. In section 1, line 50, after the word "dollars," strike out the words "for enlarging the buildings for the reception of lunatic paupers in the Commercial Hospital and Lunatic Asylum of the state of Ohio, five thousand dollars."

8th. In section 1, lines 52 and 53, strike out "for the printing of the journals, documents and other matters ordered by and for the use

of the House of Representatives the sum of seven thousand five hundred dollars. For the printing of the journals, documents and other matters ordered by and for the use of the Senate, the sum of seven thousand five hundred dollars." an insert "for state printing a sum not exceeding fifteen thousand dollars."

9th. In section 1, lines 57 and 58, strike out the words "five hundred," and insert "one thousand."

10th. At the end of the first section add the following:

"And for the payment of claims allowed by the present General Assembly, under special acts and resolutions, a sum not exceeding five thousand dollars."

11th. Strike out section 4.

12th. Insert section 5. The Auditor of State is hereby authorized to employ any number of clerks in the Auditor's office he may think necessary, at an aggregate compensation not exceeding the amount authorized by law, to be paid to the nine clerks employed in said office during the year 1848;

Provided, That no clerk so employed shall receive a greater compensation than \$900 per annum.

The 1st, 2d, 3d, 4th, 5th and 6th amendments were severally agreed to.

The question being on agreeing to the 7th amendment,

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted yeas 25, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Byers, Chase, Corwin, Dennison, Evans, Goddard, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Wilson, Worcester and Speaker—25.

Those who voted in the negative, were

Messrs. Bennett, Burns, Conklin, Dimmock, Dubbs, Emrie, Haines and Whitman—8.

So the amendment was agreed to.

The question being on agreeing to the 8th amendment,

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 18, as follows:

Those who voted in the affirmative were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—15.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Beaver, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—18.

So the motion was lost.

The ninth and tenth amendments were agreed to.

The question being on agreeing to the eleventh amendment, Mr. Byers demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 18, as follows:

Those who voted in the affirmative were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—15.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Beaver, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—18.

So the amendment was disagreed to.

The twelfth amendment was agreed to.

The question being on ordering the bill to be read a third time,

Mr. Goddard offered the following amendments:

No money appropriated by this act for the purchase of paper or for printing, shall be paid unless the paper shall have been purchased, or the printing done, in pursuance of some law or resolution heretofore passed, or which may be hereafter passed, by the General Assembly, or unless the paper shall have been purchased in pursuance of the resolution of one of the branches of the General Assembly desiring the same for its own use, or unless the printing shall have been done in pursuance of the resolution of one of the branches of the General Assembly directing it for its own use.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal and Worcester—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Hendricks, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—18.

So the amendment was disagreed to.

The question being on ordering the bill to be read a third time,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 21, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Hendricks, Kendall, Lewis, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—21.

Those who voted in the negative, were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Horton, Judy, Vinal and Worcester—12.

So the bill was ordered to be read a third time.

The bill was then read a third time.

The question being, "Shall the bill pass?"

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 21, nays 12, as follows.

Those who voted in the affirmative, were

Messrs. Archbold, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Chase, Dennison, Dimmock, Dubbs, Evans, Hendricks, Kendall, Lewis, Patterson, Scott, Swift, Whitman, Wilson and Speaker—21.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Conklin, Corwin, Emrie, Goddard, Haines, Horton, Judy, Myers, Vinal and Worcester—12.

So the bill was passed.

The question being on agreeing to the title.

On motion of Mr. Backus,

The title was amended as follows: "And for other purposes."

The title as amended was agreed to.

Ordered that the title be as amended.

The following bills were read the second time and committed as follows:

H. No. 316; To incorporate the Defiance Female Seminary, in the county of Defiance.

Committed to the committee on Corporations.

S. No. 270; To provide for the taxation of the Little Miami Railroad Company.

Committed to the committee on Finance.

S. No. 275; Further to amend the act to provide for the election of Prosecuting Attorneys.

Committed to the committee on the Judiciary.

S. No. 276; To amend the act for levying taxes on all property of this state according to its true value.

Committed to the committee on Finance.

The following bills were read a third time and passed:

S. No. 248; To amend the "act authorizing the commissioners of Fairfield county to subscribe stock in a railroad company," passed Feb. 24, 1848.

S. No. 259; To incorporate the Barnesville Railroad Company.

S. No. 268; In relation to the state road leading from Lower Sandusky to Findley.

S. No. 269; To extend the time of payment for certain school lands in Lucas county.

H. No. 318; To incorporate the Higginsport, Russelville and Ekmanville Turnpike Road Company.

H. No. 347; To enable corporations on the line of the Cincinnati and Sandusky Telegraph Company to subscribe to the stock of the said company.

H. No. 372; To incorporate the Sunfish Railroad Company.

H. No. 388; To incorporate the Perrysburg and Maumee Union Bridge Company.

Ordered that the titles be as aforesaid.

Message from the House of Representatives.

Mr. Speaker:

The following bill has been introduced into the House and read the first time:

H. No. 397; To aid in the erection of union school houses in the town of Newark.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate joint resolution asking information from the State Librarian, relative to laws and journals.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed S. No. 219; To regulate the granting of licenses to taverns, porter houses and houses of entertainment, in certain cases, in the city of Cleveland.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 342; To incorporate the Middleport and Rutland Plank Road Company.

Attest:

STANLEY MATTHEWS, Clerk.

Read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House insists on its amendment to

S. No. 74; To amend the act entitled an act to incorporate the Medina County Mutual Fire Insurance company.

So far as relates to striking out all between the words that in the first line and of section three, and the word "or" in the fifth line of said section, and recedes from its amendment so far as relates to the remaining words of the section, so that the section will read, "Sec. 3, That on all judgments rendered in favor of said company for any assessment, there shall be no stay of execution.

Attest:

STANLEY MATTHEWS, Clerk.

The Senate receded from amendment to S. No. 74.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill:
S. No. 87; To aid the Ohio and Mississippi Railroad company.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to going into certain elections.

Attest: STANLEY MATTHEWS, Clerk.

The question being on agreeing to the resolution, Mr. Blake moved to strike out "eleven" and insert "two."

Mr. Kendall demanded a division of the question.

The question turning on striking out,

Mr. Goddard demanded the yeas and nays, which were ordered and resulted yeas 18, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Wilson, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Dimmock, Emrie, Evans, Myers, Patterson, Scott, Swift and Whitman—15.

So the motion prevailed.

Mr. Blake moved to insert "seven P. M.," in the place of "eleven."

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted yeas 16, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Bennett, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Myers, Patterson, Scott, Swift and Whitman—17.

So the motion was lost.

Mr. Emrie moved to insert "two" instead of "eleven."

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted yeas 20, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Scott, Swift, Vinal and Worcester—20.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Patterson, Whitman and Speaker—13.

So the motion was agreed to.

The question being on the adoption of the resolution as amended,

Mr. Burns demanded the yeas and nays thereon, which were ordered and resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Judy, Kendall, Myers, Patterson, Scott, Swift, Whitman and Wilson—20.

Those who voted in the negative, were

Messrs. Backus, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Lewis, Vinal, Worcester and Speaker—12.

So the resolution was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed S. No. 108; Fixing the times of performing labor on roads and highways.

The House refuses to pass S. No. 163; To repeal the fifth section of an act entitled an act to authorize county commissioners of this State to lay out and establish state roads.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. No. 166; To lay out and establish the Port Lawrence and Springfield Free Turnpike road.

S. No. 223; Authorizing the commissioners of Scioto county, to subscribe to the capital stock of the Scioto and Hocking Valley Railroad company, with amendments.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to Senate bill No. 223, were agreed to.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House and read the first time:

FRIDAY, MARCH 16, 1849.

H. No. 394; To incorporate the town of West Middleburg, in the county of Champaign.

H. No. 395; To repeal the 39th section of an act to regulate the militia, passed March 12, 1844.

H. 396; Further to amend the charter of the city of Cincinnati.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The following bills have been introduced into the House, and read the first time:

H. No. 396; To incorporate the Springfield Hotel company.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolutions, in which the concurrence of the Senate is requested:

Relative to the payment of the claims of George Shaffer and others.

Relative to the appointment of William M. Correy a trustee in the Miami University.

Attest: STANLEY MATTHEWS, Clerk.

House resolution relative to the claim of George Shaffer and others, was referred to the standing committee on claims.

Resolution relative to the appointment of Mr. Correy, was referred to the committee on Medical Colleges and Universities.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following Senate bills:

S. No. 87; To aid the Ohio and Mississippi Railroad company:

S. No. 161; Amendatory to the act to provide for the profitable employment of convict labor on the new state house, passed February 24, 1848, and for other purposes, with amendments.

Attest: STANLEY MATTHEWS, Clerk.

S. No. 161; was referred to the committee on public buildings.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and joint resolutions:

H. No. 205; To incorporate Troy, Stanton and Loss Creek Turnpike Road Company.

H. No. 207; To authorize the Trustees of Upper township, Lawrence county, to levy taxes.

H. No. 213; To amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of Superintendent, passed March 7, 1838.

H. No. 235; To incorporate the Dry Ridge Universalist Society of Greens township, Hamilton county.

H. No. 250; To lay out and establish a State road from Liberty township, in Putnam county, to the Van Buren, Independence and Ridgville Free Turnpike road in Henry county.

H. No. 275; To extend the corporate limits of the town of Mt. Gilead, Morrow county, in this State.

H. No. 282; To incorporate the town of Canfield in the county of Mahoning.

H. No. 274; To incorporate the Elizabethtown and Olivetown turnpike company.

H. No. 287; To extend the time of payment of the purchase money of section 16, township No. 3, of the United States Reserve of twelve miles square, in Lucas county.

H. No. 290; To incorporate the Green and Mill Creek townships turnpike company.

H. No. 305; To lay out and establish a State road in the counties of Jackson, Athens and Gallia.

H. No. 304; To attach sections one and two in Bloomfield township, Richland county, to Sandusky township in said county.

S. No. 92; Further to amend an act entitled an act to incorporate the Toledo, Sandusky and Michigan City Railroad company, and the several acts amendatory thereto.

S. No. 111; Further to amend the act incorporating the city of Cincinnati, passed March 1st, 1834.

S. No. 118; To revive the fourth section of act therein named.

S. No. 146; To incorporate the town of New Fort Ball, in the county of Seneca.

S. No. 158; To establish a Land Office at Defiance.

S. No. 162; Further to amend the act incorporating the Wayne, Medina and Cuyahoga turnpike company.

S. No. 178; Further to amend an act regulating rail road companies, passed Feb. 11, 1848, and for other purposes.

S. No. 189; To legalize a change in the town plat of Winchester, in Fairfield county, and to confirm the conveyances made by Reuben Dove, proprietor of Dove's addition to said town of Winchester, of the north half of lots Nos. 17 and 18 to Jacob Ruse and others.

S. No. 184; To amend the act entitled "an act to incorporate the Millville, Reily and Milton Turnpike company.

S. No. 198; To amend the act entitled an act to incorporate the Bellefontaine and Indiana Railroad company, passed Feb. 22, 1848.

S. No. 202; To authorize the town council of the town of Warren, Trumbull county, to assess and collect additional taxes for fire purposes.

S. No. 207; To establish a free turnpike road from New Paris to New Westville, in Preble county.

S. No. 222; To incorporate the Bellevue, Monroeville, Norwalk and Brimingham Plank Road company.

S. No. 216; To incorporate the town of St. Marys, in Auglaize county, and to repeal certain acts.

The House has agreed to the following Senate joint resolutions:

Relative to investigating the Miami University.

Relative to paying William Dennison, Jr., the sum of one hundred and fifteen dollars and forty-four cents.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the following Senate joint resolutions:

Relative to paying Samuel M. Young the sum of \$312 24 cents.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House refuses to pass the following bill:

S. No. 6; To provide for ascertaining the will of the people of this state, upon the question of calling a convention to amend or change the constitution of this state.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 304; To incorporate the Cleveland and Twinsburg plank road company.

H. No. 330; To incorporate the Akron plank road company.

H. No. 349; To amend the act entitled an act to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua and Covington turnpike company, passed March 9, 1839.

H. No. 353; To legalize the surrender of a lease by Luther Shepherd to certain ministerial lands therein named.

H. No. 356; To incorporate the New Richmond and Bethel turnpike road company.

H. No. 362; To incorporate the New Burlington Division, No. 44, Sons of Temperance.

H. No. 365; To incorporate the Roscoe engine company No. 1, of the town of Bucyrus, in the county of Crawford.

H. No. 366; To authorize the trustees of Berne township, Athens county, to lease certain school lands therein named.

H. No. 367; To amend the act passed March 11, 1843, entitled an act for the support and better regulation of common schools, &c., passed March 7, 1838.

H. No. 379; In relation to a new canal in the city of Dayton.

H. No. 381; To incorporate the Cuyahoga Falls plank road company.

S. No. 45; To lay out and establish a free turnpike road from Sidney, to the line of Auglaize county.

S. No. 185; To amend and reduce into one the several acts relating to the Cincinnati, Hamilton and Dayton railroad company.

S. No. 247; To amend the act entitled an act for the better organization of public schools in cities, towns, &c., passed Feb. 15, 1849.

Attest: STANLEY MATTHEWS, Clerk.

House bills were read the first time.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to the following bills:

H. No. 228; To incorporate the Mt. Pleasant Academy, in King-n, Ross county.

H. No. 271; To incorporate the Mahoning plank road company.

H. No. 276; To authorize the trustees of Clay township, in Knox county, to redistrict said township for school purposes.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House recedes from its amendment to S. No. 145; To amend the act authorizing Muskingum county, and the town of Zanesville, to subscribe to the capital stock of the central Ohio railroad.

The House also recedes from its first amendment to S. No. 38; To authorize the town council of the town of Sidney, to subscribe to the capital stock of the Sidney and Wapakonnetta turnpike road company.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 201; To incorporate the Union Society of Oberlin collegiate institute.

S. No. 124; To incorporate the Chillicothe cemetery company, with amendments.

S. No. 130; To amend the act entitled an act to incorporate the Ripley and Hillsborough turnpike company, passed February 19, 1833; with amendments.

Attest: STANLEY MATTHEWS, Clerk.

House amendments to S. No. 124, were agreed to.

The Senate agreed to the 2d, 3d and 4th House amendments to S. No. 130, and disagreed to the first.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 239; To amend an act entitled an act to incorporate the Urbana and Columbus railroad company.

H. No. 374; To amend the act entitled an act to incorporate the proprietors of the Cemetery of Spring Grove, passed January 21, 1845.

The House has passed the following joint resolution:

Relative to appointing Leonidas Jewett and William P. Cutler, trustees of the Ohio University.

Attest:

STANLEY MATTHEWS, Clerk.

House bills were read the first time.

House joint resolution was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and joint resolution:

H. No. 12; To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23, 1840.

H. No. 79; To revive a certain act therein named.

H. No. 122; to authorize the courts of common pleas to remit fines in certain cases.

H. No. 123; To amend the act passed March 5, 1842, entitled an act to regulate the mode of collecting debts against turnpike companies, in which the state is a stock holder, and to authorize the companies to appropriate their portion of the tolls for the completion of the roads and for other purposes, and the several acts amendatory thereto.

H. No. 156; For the relief of Nabby Wheeler.

H. No. 159; To incorporate the Maumee city plank road company.

H. No. 169; To authorize the Governor, on behalf of the state of Ohio, to make a conveyance of certain lands in Summit county, belonging to said state.

H. No. 178; Fixing the prices of printers for publishing the delinquent and forfeited lists.

H. No. 189; To incorporate the Four Mile Valley railroad company.

H. No. 195; To incorporate the Mad River and Miami central railroad company.

H. No. 204; To incorporate the Miamisburg Western free turnpike road.

H. No. 208; To amend the act to incorporate the Steubenville and Indiana railroad company, passed Feb. 21, 1848.

H. No. 210; To amend an act entitled an act to incorporate the Franklin and Springborough turnpike company in Warren county.

H. No. 218; To authorize the sale of certain school lands in Muskingum county.

H. No. 220; To authorize the sale of school lands belonging to Pitt and Salem townships, in Wyandott county.

H. No. 222; Repealing an act entitled an act incorporating the town of Benton, in the county of Crawford.

H. No. 230; To extend the corporate limits of the town of Mount Sterling, in the county of Madison.

H. No. 236; To incorporate the Ripley and Locust Grove turnpike company.

H. No. 237; To incorporate the town of Palestine, in the county of Darke.

H. No. 239; To incorporate the Warren county farmers mutual fire insurance company.

H. No. 240; To incorporate the Trumbull, Portage and Geauga plank road company.

H. No. 243; To amend an act passed February 24, 1848, entitled an act to amend the act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent.

H. No. 249; To incorporate the Cincinnati, Batavia and Williamsburg railroad company.

H. No. 253; To incorporate the Darke county medical society.

H. No. 257; To authorize the sale of the north-west quarter of school section one, in Buck township, Hardin county.

H. No. 231; To amend an act entitled an act to authorize the trustees of townships in certain counties to levy an additional road tax, passed February 22, 1848.

H. No. 269; To incorporate the Bentonville and New Market Turnpike company.

H. No. 270; To authorize the sale of school land in Elizabeth township of Lawrence county.

H. No. 288; To lay out and establish a free turnpike road from Defiance, in Defiance county, to the Indiana state line, at the point where the Fort Wayne road now crosses said state line in the county of Paulding.

H. No. 302; Prescribing the times of holding the courts of common pleas in the eighteenth judicial circuit.

H. No. 306; To amend an act passed February 24, 1848, entitled an act to incorporate the Great Western Rail Road company.

H. No. 310; To incorporate the Martinsville and Bridgeport Free Plank Road company, in Belmont county.

S. No. 104; To authorize the commissioners of Highland county to subscribe to the capital stock of the Hillsborough and Cincinnati Rail Road company.

S. No. 113; Authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland and Pittsburgh Rail Road company, and for other purposes.

Joint resolutions: Relative to the Board of Public Works examining and adjusting the claims of H. S. Manson and others.

Relative to inquiries of the state house commissioners to the authority for selling stone from the state quarry.

Relative to the claim of Augustus Moore.

Relative to instructing our Senators and Representatives in Congress to procure the passage of a law reducing the prices of lands in the vicinity of the Wabash, Erie and Miami Extension canals.

Relative to purchasing Curwen's Revised Index to the statute laws of Ohio, &c.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has disagreed to Senate amendment to House resolution, relative to claims of Thomas F. James and others being merely to a clerical error, and returns a corrected copy of the said resolution, in which the concurrence of the Senate is requested.

Attest:

STANLEY MATTHEWS, Clerk.

Said resolution and amendment were referred to a select committee of one—Mr. Goddard.

On motion of Mr. Burns,

The rules were suspended and H. No. 365, was read the second time and referred to a select committee of one—Mr. Burns.

On motion of Mr. Blake,

H. No. 328, To incorporate the Black river and Amherst Plank Road company, was referred to the committee on Rail Roads and Turnpikes.

The Speaker announced Messrs. Dimmock, Beaver, and Lewis, as a committee to investigate the matter in question relating to S. No. 70, of last session, "To fix and apportion the representation of the General Assembly of the state of Ohio."

Mr. Archbold moved to take up S. No. 24, which was agreed to.

The question being on the engrossment of the bill,

Mr. Goddard moved a call of the Senate, which was ordered, and Messrs. Ewing and Graham were absent.

On motion,

Messrs. Claypool, Ewing, Graham and Randall, were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the engrossment of the bill,

Mr. Archbold, demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

So the Senate refused to engross the bill.

Mr. Goddard from the select committee to which was referred House joint resolution relative to the claims of Messrs. Jones, Aston and Downs, reported the same back with the following resolution, which was agreed to.

Resolved, That the Senate recede from its amendment to House joint resolution, relative to the payment of Thomas F. Jones and others with the understanding that the sum allowed to James A. Aston is only eight dollars and forty-one cents.

The same gentleman from the committee to which was referred S. No. 240, Recognizing the New Orleans and Ohio Telegraph company as a body corporate and politic within the state of Ohio, reported the same back and recommended the engrossment of the same, which was agreed to.

Said bill was ordered to be read a third time to-morrow.

On motion of Mr. Burns,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

SATURDAY, MARCH 17, 1849.

Mr. Conklin, from the committee on State buildings, to which was committed S. 161; Amendatory of the act to provide for the profitable employment of convict labor on the new State House, passed February 24, 1848, and for other purposes, with House amendments thereto, reported the same back and recommended that the Senate disagree to the first, and agree to the second amendment, which were agreed to.

Mr. Blocksom, from the committee on railroads and turnpikes, to which was committed H. 134; To amend an act entitled an act for the improvement and repair of the Cincinnati and Carthage road, and for other purposes, passed February 4, 1848, reported the same back and recommended that the bill be postponed until the first Monday in December next, which was agreed to.

Also, H. 328; To incorporate the Black River and Amherst plank road company, reported the same back with an amendment.

Committed to a select committee of one—Mr. Byers.

Also, S. 265; To incorporate the Bryan plank road company.

Ordered to be engrossed and read a third time on Monday.

Mr. Archbold, from the committee on the judiciary, to which was committed H. 323; To authorize the Governor to make deeds to certain school lands in Meigs county, reported the same back.

Ordered to be read a third time on Monday next.

Mr. Goddard, from the committee on public works and public lands,

to which was referred House joint resolution relative to the Warren county canal, reported the same back and recommended its adoption. Agreed to.

Mr. Burns, from the select committee, to which was committed H. 365: To incorporate the Rescue Fire Engine company No. 1, of the town of Bucyrus, in the county of Crawford, reported the same back. Said bill was then read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Byers, from the select committee, to which was committed H. 328; To incorporate the Black River and Amherst plank road company, reported the same back, the amendments were agreed to, and the bill was ordered to a third reading on Monday next.

Mr. Worcester, from the select committee, to which was committed H. 241; To attach South and Middle Bass Islands to Erie county, reported the same back and recommended the postponement of the bill until the first Monday in December next, which was agreed to.

Mr. Archbold, from the select committee, to which was referred H. 31; To exempt a homestead from levy and sale on execution, reported the same back without recommendation.

Mr. Whitman moved to strike out "forty," where it occurs, and insert "sixty."

Mr. Bennett moved to postpone the bill until the first Tuesday in December next.

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Bennett, Blocksom, Byers, Chase, Claypool, Conklin, Corwin, Goddard, Horton, Judy, Kendall and Vinal—13.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blake, Burns, Dennison, Dimmock, Dubbs, Emrie, Evans, Haines, Hendricks, Lewis, Myers, Patterson, Scott, Swift, Whitman, Wilson and Worcester—20.

So the motion was lost.

The question being on striking out and inserting,

Mr. Archbold demanded a division.

The question being on striking out,

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Blake, Burns, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Judy, Myers, Scott, Whitman, Wilson and Speaker—16.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blocksom, Bennett, Byers, Chase, Claypool, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Patterson, Swift, Vinal and Worcester—18.

So the motion was lost.

Mr. Dennison moved to strike out of the sixth section from and after the word "dollars," into the fourth line to, and including the word "rent," in the eighth line, and insert the words "the same."

Mr. Burns moved a call of the Senate, which was ordered, and Messrs. Ewing and Graham were absent.

On motion,

All further proceedings under the call were dispensed with.

Mr. Whitman moved to postpone the bill until the first Wednesday in December next.

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Bennett, Blocksom, Byers, Chase, Conklin, Corwin, Goddard, Horton, Kendall, Myers, Patterson, Vinal, Whitman and Speaker—15.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blake, Burns, Dennison, Dimmock, Dubbs, Emrie, Evans, Haines, Hendricks, Judy, Lewis, Scott, Swift, Wilson and Worcester—18.

So the motion was lost.

Mr. Whitman moved to refer the bill to a select committee of one.

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 19, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Bennett, Corwin, Dimmock, Dubbs, Emrie, Goddard, Horton, Judy, Kendall, Patterson, Vinal, Whitman, and Speaker—14.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blake, Blocksom, Burns, Byers, Chase, Conklin, Dennison, Evans, Haines, Hendricks, Lewis, Myers, Scott, Swift, Wilson and Worcester—19.

So the motion was lost.

The question being on agreeing to the amendment to the amendment, was agreed to.

On motion of Mr. Whitman,

The bill was amended as follows:

Provided, that nothing in this act contained shall be so construed as in any way to impair the right of dower as it now exists, or the mode in which by law that right is enforced.

Mr. Backus moved to reconsider the vote on the above amendment.

Mr. Burns moved to postpone the bill until the first Monday in December next.

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted—yeas 16, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Bennett, Blocksom, Burns, Byers, Chase, Conklin, Corwin, Goddard, Horton, Kendall, Myers, Patterson, Vinal, Whitman and Speaker—16.

Those who voted in the negative, were

Messrs. Archbold, Backus, Beaver, Blake, Dennison, Dimmock, Dubbs, Emrie, Evans, Haines, Hendricks, Judy, Lewis, Scott, Swift, Wilson and Worcester—17.

So the motion was lost.

The question turned on reconsidering the vote on the amendment to the amendment,

Mr. Archbold demanded the yeas and nays thereon which were ordered and resulted—yeas 10, nays 23, as follows :

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Blake, Dimmock, Dubbs, Haines, Hendricks, Patterson and Swift—10.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Bennett, Burns, Byers, Chase, Conklin, Corwin, Dennison, Emrie, Evans, Goddard, Horton, Judy, Kendall, Lewis, Myers, Scott, Vinal, Whitman, Wilson, Worcester and Speaker—23.

So the motion was lost.

Byers demanded the previous question.

The question being, shall the main question be now put? was agreed to.

The question being on agreeing to Senate amendment as amended to House bill,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 21, nays 12, as follows :

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Dennison, Dimmock, Dubbs, Emrie, Evans, Haines, Hendricks, Lewis, Myers, Patterson, Scott, Swift, Wilson, Worcester and Speaker—21.

Those who voted in the negative, were

Messrs. Byers, Chase, Claypool, Conklin, Corwin, Ewing, Goddard, Graham, Horton, Judy, Kendall, Vinal, Whitman—12.

So the amendment was agreed to.

The question turned on ordering the bill to a third reading.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 15, as follows :

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Blake, Dennison, Dimmock, Dubbs, Emrie, Evans, Haines, Hendricks, Lewis, Patterson, Scott, Swift, Wilson, Worcester and Speaker—18.

Those who voted in the negative were

Messrs. Ankeny, Bennett, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Goddard, Horton, Judy, Kendall, Myers, Vinal and Whitman—16.

So the bill was ordered to be read a third time on Monday.

SATURDAY, MARCH 17, 1849.

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Message from the House of Representatives:

Mr. Speaker:

The House has agreed to Senate amendment to House joint resolution relative to going into certain elections.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Vinal, from the committee on Claims, to which was referred a resolution relative to the claim of Shaffer and Dwight, Stone & Co., &c., reported the same back and recommended its adoption, which was agreed to.

Mr. Dennison (on leave) presented the claim of J. R. Scroggs for stationery &c.

Referred to the committee on claims.

On motion the Senate took a recess.

TWO O'CLOCK, P. M.

Mr. Byers offered for adoption the following:

WHEREAS, The following resolution passed the Senate on the fifth inst:

Resolved, That the Auditor of State be, and he hereby is, required to furnish this Senate the amount of liabilities to the Bank, of the Directors and Stockholders of the Clinton Bank of Columbus, and Bank of Circleville, either as principals or endorsers, if he is in possession of the information thereby called for.

And Whereas, No reply to said resolution has been made to this Senate; therefore, resolved, that the Auditor of State is hereby required to inform the Senate forthwith, the reasons why the information called has not been communicated.

On motion of Mr. Byers,

The same was laid on the table.

Message from the House of Representatives;

Mr. Speaker:

The House has passed Senate joint resolutions relative to the *sine die* adjournment, with an amendment.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Whitman moved a call of the Senate which was ordered, and Messrs. Beaver, Ewing, Claypool and Graham were absent. On motion, all further proceedings under the call were dispensed with.

Said House amendment to Senate joint resolution relative to adjourning *sine die* on the 26th, was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. No. 169; To repeal a part of a certain act therein named.

40—S. J.

S. No. 131; To amend the act entitled an act to incorporate the Milford and Chillicothe Turnpike Road company, passed February 11, 1832, with amendments.

S. No. 254; To amend the act to incorporate the mayor and trustees of the town of Hamilton, with amendments.

S. No. 261; To provide for the opening and repair of roads and highways on the line between the State of Pennsylvania and Ohio.

S. No. 98; To incorporate the Malta and Putnam Plank Road company.

S. No. 195; To amend the act to incorporate the Cleveland Gas Light and Coke company.

S. No. 218; To amend the act incorporating the Chagrin Falls and Cleveland Plank Road company, with amendments.

S. No. 223; To authorize the county auditor of Holmes county to levy additional tax on property in school district No. 9, Hardy township, for school-house purposes.

S. No. 68; To revive and amend the act for the incorporation of the Huron Plank Road company, with an amendment.

S. No. 221; To incorporate the Columbus and Groveport Turnpike company, with amendment.

S. No. 142; To authorize the city of Cincinnati to erect a post-office, with amendments.

Attest:

STANLEY MATTHEWS, Clerk.

Senate bill No. 131, with House amendments thereto, was referred to the committee on Railroads and Turnpikes.

Senate bill No. 254, with House amendments thereto, was referred to a select committee of one—Mr. Chase.

Senate bill No. 218, with House amendments thereto, was referred to the committee on Corporations.

House amendments to Senate bill No. 221 were agreed to.

Senate bill No. 68, with House amendments thereto, was referred to a select committee of one—Mr. Goddard.

Senate bill No. 142, with House amendments thereto, was referred to a select committee of one—Mr. Dubbs.

Message from the House of Representatives.

Mr. Speaker:

The House recedes from its first amendment to S. No. 130, to amend an act entitled an act to incorporate the Ripley and Hillsborough Turnpike company, passed Feb. 18, 1833.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to the first, second, third, fourth, fifth, sixth, seventh, eighth, tenth and eleventh amendments, and to the ninth amendment, with an amendment to House bill 325; making appropriations for the year 1849.

Attest:

STANLEY MATTHEWS, Clerk.

House amendment to Senate amendments were agreed to,

Message from the House of Representatives.

Mr. Speaker :

The hall of the House is now ready for the reception of Senators for the purpose of proceeding to certain elections, in pursuance of a joint resolution heretofore passed.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Judy,

The members of the Senate, preceded by their Speaker and Clerk, repaired to the hall of the House of Representatives, and being seated within the bar, in pursuance of a joint resolution previously adopted,

A call of the Senate was ordered, and Messrs. Archbold, Beaver, Conklin, Corwin, Dimmock, Emrie, Ewing, Graham, Haines and Lewis were absent.

On motion, they were excused.

On motion,

All further proceedings under the call were dispensed with.

The convention proceeded to ballot for one associate judge for the county of Crawford, with the following result:

Robert Lee received.....	43 votes.
Edmund Welch	38 "
Blanks	3

Robert Lee having received a majority of all the votes given, was, by the Speaker of the Senate, in presence of both houses, declared duly elected associate judge for the county of Crawford for the constitutional term of seven years from and after the 17th day of March, 1849.

The convention next proceeded to ballot for one associate judge for Okechoccon county, with the following result:

Benjamin R. Shaw received	40 votes.
Timothy A. Condit	35 "
Blanks and scattering	5

There being no choice, a second balloting was had with the following result:

Benjamin R. Shaw received	40 votes.
Timothy A. Condit	37 "
Blanks and scattering	3

There being no choice, a third balloting was had with the following result:

Benjamin R. Shaw received	46 votes.
Timothy A. Condit	36 "
Blanks and scattering	8

Benjamin R. Shaw having received a majority of all the votes given, was, by the Speaker of the Senate, in presence of both houses, declared duly elected associate judge for the county of Coshocton, for the constitutional term of seven years from and after the 17th day of March, 1849.

The convention next proceeded to ballot for one associate judge for Gallia county, with the following result:

Joseph W. Ross received.....	42 votes.
Franklin Carroll.....	38 "
Blanks.....	2

Joseph W. Ross having received a majority of all the votes given, was, by the Speaker of the Senate, in presence of both houses, declared duly elected associate judge for the county of Gallia for the constitutional term of seven years from and after the 17th day of March, 1849,

The convention next proceeded to ballot for one associate judge for Logan county, with the following result:

David Robb received.....	41 votes.
Thomas James.....	37 "
Blanks.....	2

David Robb having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of the members of both houses, declared duly elected associate judge for the county of Logan, for the constitutional term of seven years from and after the 17th day of March, 1849.

The convention next proceeded to ballot for one associate judge for Meigs county, with the following result:

William McAboy received.....	41 votes.
Columbia Downing.....	39 "

William McAboy having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of both houses, declared duly elected associate judge for the county of Meigs for the constitutional term of seven years from and after the 17th day of March, 1849.

The convention next proceeded to ballot for one associate judge for Union county, with the following result:

James R. Smith received.....	41 votes.
J. B. W. Haines.....	39 "

James R. Smith having received a majority of all the votes given, was, by the Speaker of the Senate, in presence of both houses, de-

clared duly elected associate judge for the county of Union for the constitutional term of seven years from and after the 17th day of March, 1849.

The convention next proceeded to ballot for a second associate judge for Union county, with the following result:

William W. Woods received.....	49 votes.
Eliphaz Burnham.....	27 "
Blanks.....	3

William W. Woods having received a majority of all the votes given, was, by the Speaker of the Senate, in presence of both houses, declared duly elected associate judge for the county of Union, for the constitutional term of seven years from and after the 6th day of August, 1849.

The convention next proceeded to ballot for one associate judge for the county of Warren, with the following result:

Joseph Anderson received.....	35 votes.
Rezin B. Edwards.....	43 "
Blanks.....	2

Rezin B. Edwards having received a majority of all the votes given, was, by the Speaker of the Senate, in presence of both houses, declared duly elected associate judge for the county of Warren, for the constitutional term of seven years from and after the 17th day of March, 1849.

The convention then proceeded to ballot for a second associate judge for the county of Warren, with the following result:

Richard Parcells received.....	33 votes.
William Denny.....	9 "
W. H. P. Denny.....	37 "
Blank.....	1

There being no choice, the convention again proceeded to ballot for associate judge for the county for Warren, with the following result:

Richard Parcells received.....	40 votes.
W. H. P. Denny.....	38 "
Blank and scattering.....	3

There being no choice, the convention proceeded to ballot a third time for associate judge for Warren county, with the following result:

Richard Parcells received.....	40 votes.
W. H. P. Denny.....	39 "
Blank and scattering.....	3

There being no choice, the convention proceeded to ballot a fourth time for associate judge for Warren county, with the following result:

Richard Parcells received	41 votes.
W. H. P. Denny	40 "

Richard Parcells having received a majority of all the votes cast, was, by the Speaker of the Senate, in presence of both houses, declared duly elected associate judge for the county of Warren, for the constitutional term of seven years from and after the seventeenth day of March, 1849.

The convention next proceeded to ballot for one associate judge for the county of Greene, with the following result:

William Mills received	68 votes.
John Kiler	2 "
Blanks and scattering	8

William Mills having received a majority of all the votes given, was, by the Speaker of the Senate, declared duly elected associate judge for the county of Greene, for the constitutional term of seven years from and after the 17th day of March, 1849.

The convention next proceeded to ballot for one associate judge for the county of Licking, with the following result:

John Vanfossen received	42 votes.
Adam Linn	37 "

John Vanfossen having received a majority of all the votes cast, was, by the Speaker of the Senate, declared duly elected associate judge for the county of Licking, for the constitutional term of seven years, from and after the 17th day of March, 1849.

The convention next proceeded to ballot for one Major General for the 19th division of Ohio Militia, with the following result:

George D. Hendricks received	44 votes.
William J. Elliott	37 "

George D. Hendricks having received a majority of all the votes cast, was, by the Speaker of the Senate, declared duly elected Major General of the 19th Division of Ohio Militia, for the legal term of six years, from and after the 17th day of March, 1849.

The convention next proceeded to ballot for one director of the Ohio Penitentiary, with the following result:

Matthias Martin received	39 votes.
Horatio J. Cox	37 "
A. P. Stone	3 "
Blank	1 "

There being no choice, the convention proceeded to ballot a second time, with the following result:

Mathias Martin received.....	44 votes.
Horatio J. Cox	30 "
A. P. Stone.....	3 "
Blanks	3 "

Mathias Martin having received the highest number of votes cast, was, by the Speaker of the Senate, declared duly elected director of the Ohio Penitentiary, for the legal term of three years, from and after the 17th day of March, 1849.

The Senators then retired to their chamber.

Mr. Byers moved a call of the Senate, which was ordered and Messrs. Archbod, Conklin, Dennison, Dimmock, Ewing, Graham, Judy, Scott, Whitman and Worcester were absent, a quorum appearing within the bar, all further proceedings under the call were dispensed with.

Mr. Goddard, from the select committee to which was referred S. No. 68; To revive and amend the act for the incorporation of the Huron Plank Road company, reported the same back with the recommendation that the Senate agree to House amendments to said bill. Agreed to.

On motion of Mr. Byers.

The rules were suspended and the messages were taken up and read.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 130; To fix and apportion the representation of the General Assembly of the State of Ohio.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

On motion of Mr. Burns,

The rules were suspended, and S. No. 264; To incorporate the Mansfield Female Seminary, in the county of Richland, was read a third time and passed.

Ordered that the title be as aforesaid.

On motion of Mr. Evans,

The Senate adjourned.

Attest:

JOHN R. KNAPP, Jr., Clerk.

MONDAY, MARCH 19, 1849.

Mr. Myers presented the petition of the trustees and 27 citizens of Gorham township, Lucas county, for the sale of school section sixteen.

Laid on the table.

Mr. Chase presented the petition of A. S. Schenck and 16 others for an amendment to the Hamilton, Springfield and Carthage Turnpike Road.

Postponed until the 1st Monday of December next.

Mr. Goddard, from the committee on public works and public lands, to which was referred the memorial of William Spencer, late a member of the board of public works, reported the same back, and recommended the adoption of the following resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That the board of public works be and it is hereby authorized and required to settle the accounts of William Spencer, member of the former board upon equitable principles.

Mr. Dennison, from the committee on Colleges and Universities, to which was committed House joint resolution relative to the appointment of William M. Corry, a trustee of the Miami University, reported the same back and recommended its adoption, which was agreed to.

Mr. Myers, from the committee on roads and highways, to which was committed H. No. 14; To amend an act for opening and regulating roads and highways, and the acts amendatory thereto, reported the same back with one amendment, which was agreed to.

Mr. Corwin, from the committee on corporations, to which was referred H. No. 336; To incorporate the Methodist Episcopal Church, in the town of Tarlton, Pickaway county, reported the same back.

H. No. 337; To incorporate the town of New Burlington, in the counties of Clinton and Green, reported the same back, with one amendment, which was agreed to.

Said bills were ordered to be read a third time to-morrow.

Also H. No. 319; To amend the charter of the city of Ohio, reported the same back and recommended its being read a third time.

The yeas and nays were demanded thereon, which were ordered and resulted yeas 16, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Blake, Blocksom, Conklin, Corwin, Dennison, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Scott, Vinal, Worcester and Speaker—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Burns, Byers, Chase, Emrie, Evans, Goddard, Haines, Patterson, Swift, and Wilson—12.

So the motion was carried.

Ordered to be read a third time to-morrow.

Mr. Archbold, from the committee on the judiciary, to which was committed S. No. 177; Further to amend the act to regulate the action of forcible entry and detainer, reported the same back.

Committed to a select committee of one—Mr. Goddard.

Also S. No. 353; To amend an act entitled an act to regulate judgments and executions, passed April 3, 1837, reported the same back.

Mr. Blocksom, from the committee on railroads and turnpikes, to which was referred S. No. 266; To lay out and establish the Portage Free Turnpike Road, in the county of Wood, reported the same back with two amendments, which were agreed to.

Said bills were ordered to be engrossed and read a third time to-morrow.

Also S. No. 131; With House amendments thereto, reported the same back and recommended that the Senate disagree to the first and third, and agree to the second amendments, which was agreed to.

Mr. Evans, from the committee on roads and highways, to which was committed the petition of citizens of Wood and Henry counties, relative to road tax, reported the same back, and recommended the postponement of the petitions until the first Monday in December next, which was agreed to.

Mr. Hendricks, from the select committee to which was committed S. No. 263; To revive the act entitled an act appointing commissioners to lay out and establish a free turnpike road from Eaton to Sugar Valley, in Preble county, reported the same back.

Ordered to be engrossed and read a third time to-morrow.

Mr. Chase, from the select committee to which was referred S. No. 254; With House amendments thereto, reported the same back, and recommended the the Senate agree to said amendments, which were agreed to.

Mr. Dimmock, from the select committee to which was referred the memorial of practical printers, praying for the protection against rats, made the following report:

(See Appendix, p. 156.)

Laid on the table to be printed.

Mr. Dubbs, from the select committee to which was committed S. No. 142; With House amendments thereto, reported the same back and recommended that the Senate agree to the amendments, which was agreed to.

On motion of Mr. Dimmock,

Resolved, That the select committee heretofore appointed to investigate matters concerning the manner of the passage of S. No. 70, of the last session, have power to sit during the sessions of the Senate, and to employ a clerk; and that the Sergeant-at-Arms be instructed to furnish said committee with a convenient room for the holding of its sessions, and one of his deputies to serve subpoenas, and execute other duties which may be required of him.

Mr. Dennison, from the select committee to which was committed S. No. 220; To incorporate the Worthington Plank Road or Turnpike company, reported the same back with one amendment, which was agreed to.

Said bill was then passed.

Ordered that the title be as aforesaid.

Mr. Whitman, on leave, from the committee on schools and school lands, to which was committed H. No. 344; To amend the act entitled an act to regulate the sale of Ministerial and School lands, and the surrender of permanent leases thereto, reported the same back and recommended its indefinite postponement, which was agreed to.

Also from the committee on the judiciary, to which was committed S. No. 275; To amend the act to provide for the election of Prosecuting Attorneys, reported the same back and recommended its indefinite postponement, which was agreed to.

Mr. Winchester, from the select committee to which was committed S. No. 116; An act to repeal so much of the 6th section of the act of January 22d, 1848, entitled an act to provide for the assessment of personal property, and the valuation of new entries and new structures, as requires the county auditor to enter upon the duplicate of the county the amount of tax levied for road purposes, reported the same back with one amendment, which was agreed to.

Ordered to be engrossed and read a third time to-morrow.

Mr. Ankeny, from the select committee to which was committed Senate preamble and resolution relative to the claim of William Burdell, reported the same back, and recommended its adoption.

Laid on the table.

The following bills were read a second time and committed as follows :

H. No. 304 ; To incorporate the Twinsburg and Cleveland Plank Road company.

H. No. 330 ; To incorporate the Akron Plank Road company.

Said bills were committed to the committee on railroads and turnpikes.

H. No. 353 ; To legalize the surrender of a lease by Luther Shepherd, to certain ministerial lands therein named.

Committed to the committee on Schools and School Lands.

H. No. 349 ; To amend the act entitled an act to incorporate the St. Paul's, Elizabethtown, Fletcher, Piqua and Covington Turnpike company, passed March 9, 1839.

H. No. 356 ; To incorporate the New Richmond and Bethel Turnpike Road company.

Said bills were committed to the committee on Railroads and Turnpikes.

H. No. 362 ; To incorporate the New Burlington Divison, No. 44; Sons of Temperance.

Committed to the committee on Corporations.

H. No. 366 ; To authorize the Trustees of Berne township, Athens county, to lease certain School Lands therein named.

H. No. 367 ; To amend the act passed March 11, 1843, to further amend the act for the support and better regulation of Common Schools, &c.

Committed to the committee on Schools and School Lands.

H. No. 381 ; To incorporate the Cuyahoga Falls Plank Road company.

Committed to the committee on Railroads and Turnpikes.

H. No. 379 ; In relation to a new canal in the city of Dayton.

Committed to the committee on Public Works and Public Lands.

H. No. 201; To incorporate the Union Society of Oberlin Collegiate Institute.

Committed to the committee on Corporations.

H. No. 289; To amend the act entitled an act to incorporate the Urbana and Columbus Railroad company.

Committed to a select committee of one, Mr. Vinal.

H. No. 374; To amend the act entitled an act to incorporate the Proprietors of Cemetery of Spring Grove; passed January 21, 1845.

Committed to a select committee of one, Mr. Dubbs.

H. No. 342; To incorporate the Middleport and Rutland Plank Road company.

Committed to the committee on Railroads and Turnpikes.

H. No. 367; To fix and apportion the representation of the General Assembly of the State of Ohio.

Mr. Byers moved to refer said bill to a select committee of one.

Mr. Goddard moved a call of the Senate which was ordered, and Messrs. Bennett, Claypool, Ewing and Graham were absent.

On motion, the above named gentlemen were excused.

On motion, all further proceedings under the call were dispensed with.

The question being on committing to a select committee of one.

Mr. Goddard demanded the yeas and nays thereon which were ordered and resulted—yeas 16, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—16.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Conklin, Corwin, Dennison Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker.—16.

So the motion was lost.

Said bill was committed to the committee of the whole Senate and made the order of the day for this day.

The following bills were read a third time and passed:

S. No. 160; Declaring valid a certain Sheriff's deed therein named.

S. No. 240; Recognizing the New Orleans and Ohio Telegraph company as a body corporate and politic within the State of Ohio.

S. No. 265; To incorporate the Bryan Plank Road company.

S. No. 271; To amend "an act to provide for the recording of town plats," passed March 3, 1831.

S. No. 272; To incorporate the Defiance and Finlay Plank Road company.

H. No. 191; To amend the act entitled "an act to create the office

of Attorney General and to prescribe his duties," passed February 16, 1846, and the act amendatory thereof.

H. No. 224; To provide for the appointment of Trustees to minors residing out of the State and having property in the same.

H. No. 223; To authorize the Governor to make Deeds to certain School Lands in Meigs county.

H. No. 328; To incorporate the Black River and Amherst Plank Road company.

H. No. 233; To incorporate the Clifton, Cedarville and Jamestown Turnpike Road company.

H. No. 335; To incorporate the Hamilton and Mazon Turnpike Road company.

H. No. 341; To incorporate the Miami and Toledo Plank Road company.

H. No. 300; To provide for the payment of seven thousand dollars by the people of Gilead township, Morrow county, to aid in the erection of Public buildings.

The question being, "shall the bill pass?"

Mr. Dimmock demanded the yeas and nays thereon, which were ordered, and resulted—yeas 20, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Bennett, Blake, Blocksom, Cisse, Conklin, Emrie, Evans, Hines, Hendricks, Judy, Kendall, Lewis, Myers, Patterson, Swift, Vinal, Whitman and Wilson—20.

Those who voted in the negative, were

Messrs. Backus, Beaver, Burns, Byers, Dennison, Dimmock, Dubbs, Goddard, Horton, Scott, Worcester and Speaker—12.

So the bill was passed.

Ordered that the titles be as aforesaid.

The following bill was read a third time.

H. No. 31; To exempt a Homestead from sale on Execution.

Committed to a select committee of one —Mr. Backus.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

S. No. 163; To repeal the fifth section of an act entitled an act, to authorize county Commissioners of this State, to lay out and establish State Roads.

S. No. 78; To incorporate the Lower Sandusky and Sandusky City Plank Road Company.

S. No. 131; To incorporate the Springfield and Northampton Turnpike Company.

S. No. 232; To incorporate the Iron Rail Road company.

S. No. 136; To incorporate the South Charleston and Washington Turnpike company.

S. No. 250; To incorporate the Lower Sandusky and Rollersville Plank Road Company.

S. No. 217; To amend the charter of the Hillsborough and Cincinnati Rail Road company, with amendments.

S. No. 255; To incorporate the Four Mile and Seven Mile Turnpike company.

S. No. 242; To incorporate the New Philadelphia and Cadiz Plank Road company, with an amendment.

Attest: STANLEY MATTHEWS, Clerk.

S. No. 242; was laid on the table.

House amendment to S. No. 242, was agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested,

Relative to appointing Noah H. Swayne, a Director of the Ohio Lunatic Asylum.

Attest: STANLEY MATTHEWS, Clerk.

House resolution was committed to the committee on Benevolent Institutions.

Message from the House of Representatives:

Mr. Speaker:

The House has postponed until the first Monday of December next, S. No. 12; To incorporate the Springfield Hydraulic company.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has indefinitely postponed the following bills:

S. No. 191; Concerning negotiable instruments.

S. No. 126; To lay out and establish a free turnpike road from the McCutchensville road to the Maumee and Western Reserve road, in Wood county.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following joint resolution in which the concurrence of the Senate is requested.

Relative to the claim of John Westwater and Son.

Attest: STANLEY MATTHEWS, Clerk.

House resolution was referred to the committee on claims.

Message from the House of Representatives:

Mr. Speaker:

The House recedes from its first amendment to S. No. 161, amend-

atory of the act to provide for the profitable employment of convict labor on the new State House, passed February 24, 1848, and for other purposes.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has indefinitely postponed the following bill;

S. No. 152; To repeal an act entitled an act, to regulate the sale of intoxicating liquors in the town of Cayahoga Falls.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to the following Senate joint resolutions.

Relative to the rescinding of tolls on salt.

Relative to wast weirs.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 387; To amend the act entitled an act to repeal the act entitled an act for the support and better regulation of common schools, in school district number one, in Ravenna township, and for other purposes.

H. No. 377; To exempt from levy and execution certain property therein named.

H. No. 354; To repeal the ninth section of the act entitled an act to incorporate the Milan and Richland plank road company, passed January 31, 1845, and for other purposes.

H. No. 282; To create a special road district in Crawford county.

H. No. 329; To amend the act entitled an act to authorize Nathan Starr to sell and convey certain real estate, the property of the minor heirs of his late wife, Mary W. Starr, passed January 26, 1844.

H. No. 308; To incorporate the Geauga and Trumbull plank road company.

H. No. 238; To amend the act entitled an act for appointing Notaries public, passed Feb 17, 1816.

H. No. 357; To repeal the provisions of an act passed February 14, 1848, entitled an act for the support and better regulation of common schools in the town of Akron.

H. No. 364; To incorporate the Dayton, Shaker village and Xenia turnpike company.

H. No. 371; To authorize the city council of Cincinnati to levy an additional tax, in aid of the disabled firemen's fund.

H. No. 382; To amend an act entitled an act for the preservation and repair of the National road, and for the collection of tolls thereon, passed March 13, 1843, and for other purposes.

H. No. 383; To authorize the town council of the town of Akron to levy a tax to liquidate the debts due from said town.

Attest:

STANLEY MATTHEWS, Clerk.

House bills were read the first time.

Message from the House of Representatives,

Mr. Speaker:

The House has passed the following bills:

H. No. 390; To authorize John J. Higgins, guardian to the minor heirs of Thomas L. Hamer, to convey real estate to Katharine M. Hamer.

S. No. 156; To authorize the trustees of townships, in the county of Union, to levy an additional road tax.

Attest:

STANLEY MATTHEWS, Clerk.

House bill was read the first time.

The constitutional rule was dispensed with, and said House bills were severally read a second time and committed as follows:

H. Nos. 377, 354, 329, 238 and 390, were committed to the committee on the judiciary.

H. No. 282, was committed to a select committee of one—Mr. Burns.

H. No. 308, was committed to a select committee of one—Mr. Beaver.

H. No. 387, was committed to the committee on schools and school lands.

H. No. 357, was committed to a select committee of one—Mr. Blocksom.

H. No. 364, was committed to a select committee of one—Mr. Vinal.

H. No. 371, was committed to a select committee of one—Mr. Dabbs.

H. No. 382, was committed to the committee on public works, &c.

H. No. 383, was committed to a select committee of one—Mr. Swift.

Mr. Backus on leave, from the select committee to which was committed H. No. 31, to exempt a homestead from levy and sale on execution, reported the same back with one amendment, which was agreed to.

The question being, "Shall the bill pass?"

Mr. Kendall demanded the yeas and nays thereon, which were ordered and resulted—yeas 19; nays 12, as follows:

Those who voted in the affirmative, were.

Messrs. Archbold, Backus, Beaver, Blake, Dennison, Dimmock, Dabbs, Emme, Evans, Haines, Hendricks, Judy, Lewis, Patterson, Scott, Swift, Wilson, Worcester and Speaker—19.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Chase, Conklin, Goddard, Horton, Kendall, Myers, Vinal and Whitman—12.

So the bill was passed.

Ordered that the title be as aforesaid.

Mr. Vinal, from the select committee to which was committed H. No. 289, To amend the act entitled an act to incorporate the Urbanna and Columbus railroad company, reported the same back.

Said bill was ordered to a third reading tomorrow.

Mr. Swift offered for adoption the following:

Resolved by the Senate and House of Representatives, That Woolsey Wells, of Lorain county, be and hereby is appointed agent for the sale of the Western Reserve School Lands, as provided in an act passed February 17, 1849. And that John Coddington, of Medina county, Philander Winchester, of Cuyahoga county, and Eleazer C. Sackett, of Summit county, be and hereby are appointed to appraise said lands, as provided in the same act.

Mr. Backus moved to strike out "Woolsey Welles," and insert David H. Beardsley."

The question being on striking out,

On motion of Mr. Beaver,

The resolution and pending amendment were referred to a select committee of one—Mr. Beaver.

Mr. Hendricks, from the committee on Enrollment, made the following report.

The committee on Enrollment reports that the committee have examined, and found duly enrolled, the following acts and resolution, to wit:

An act to amend an act entitled an act to incorporate the town of Sidney.

An act in relation to the Miami canal, the Miami extension and the Wabash and Erie canal.

An act to authorize the town council of Newark to subscribe to the capital stock of the Newark plank road company.

An act to extend the time of payment for the northwest quarter of section sixteen, in Perry township, Morrow county.

An act to amend the act incorporating the Cincinnati, Lebanon and Springfield turnpike company.

An act to amend an act entitled an act to incorporate the town of Mansfield, in the county of Richland, and to repeal all acts now in force, in relation thereto, passed March 13, 1843.

An act to organize the county of Ashland a separate brigade.

An act to incorporate the Eaton and New Madison plank road company.

An act to incorporate the Marion Hall Building of Mt. Healthy, in Hamilton county.

An act to incorporate the Columbus Horticultural society.

An act to amend the several acts relating to the Cincinnati, Hamilton and Dayton railroad company.

An act to authorize the town council of the town of Sidney to subscribe to the capital stock of the Sidney and Wapakennetta turnpike road company.

A resolution relating to taking gravel from the old penitentiary lot.

On motion of Mr. Wilson,
The Senate took a recess until 3 o'clock, P. M.

THREE O'CLOCK P. M.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills, with amendments:

S. No. 135; To amend the act entitled an act relating to wills, passed March 23, 1840, and for other purposes.

S. No. 226; To amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7, 1838, and the acts amendatory thereto.

S. No. 193; To amend an act entitled an act to amend an act directing the mode of proceeding in Chancery, passed Feb. 21, 1846.

Attest:

STANLEY MATTHEWS, Clerk.

S. No. 135, and House amendments, was referred to a select committee of one—Mr. Goddard.

House amendments to Senate bills 226 and 193, were agreed to.

Mr. Whitman moved to take up the motion to reconsider the vote on H. No. 263; To amend the act entitled an act to amend the act for levying taxes on all property in this state, according to its true value, passed March 2d, 1846, and for other purposes. Agreed to.

The vote was reconsidered.

The question being Shall the bill pass?

Mr. Byers moved a call of the Senate, which was ordered, and Messrs. Archbold, Claypool, Ewing and Graham were absent.

On motion,

All further proceedings under the call were dispensed with.

Mr. Myers offered the following amendment by way of rider:

"In all cases where a tax is assessed upon any bond or mortgage, the amount so assessed upon such bond or mortgage, shall be deducted from the real estate upon which such bond or mortgage is secured; and in all cases where taxes are assessed upon any personal property, which has been sold on a credit, the said credit shall not be taxed, whether existing in note, bond or account."

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 17, as follows:

41—S. J.

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Chase, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—17.

So the amendment was disagreed to.

Mr. Burns moved to postpone the bill until the first Monday in December next.

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Horton, Myers, Patterson, Scott and Swift—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Chase, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Vinal, Whitman, Wilson and Worcester—17.

So the motion was lost.

Mr. Scott moved the indefinite postponement of the bill.

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted, yeas 15, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Evans, Horton, Myers, Patterson, Scott and Swift—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Chase, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Vinal, Whitman, Wilson and Worcester—17.

So the motion was lost.

The question being, Shall the bill pass?

Mr. Burns demanded the yeas and nays, which were ordered and resulted—yeas 18, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Chase, Conklin, Corwin, Dennison, Evans, Goddard, Haines, Hendricks, Judy, Kendall, Lewis, Vinal, Whitman, Wilson and Worcester—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Horton, Myers, Patterson, Scott, and Swift—14.

So the bill was passed.

Ordered that the title be as aforesaid.

Mr. Goddard, on leave, from the select committee to which was committed S. No. 135, with House amendments thereto, reported the same back and recommended that the Senate agree to House amendments; which was agreed to.

On motion of Mr. Ankeny,

The committee of the whole were discharged from the further consideration of S. No. 256, to punish Judges for appearing as attorneys in the courts of Justices of the Peace.

Committed to a select committee of one—Mr. Ankeny.

Mr. Beaver, on leave, from the select committee to which was committed Senate joint resolution relative to appointing an agent and appraisers for the sale of the Western Reserve School Lands, reported the same back with two amendments, which were agreed to.

Strike out the name of "Eleazar C. Sackett, of Summit county," and insert "Nathan Owen, of Ashtabula county."

"Provided, however, that said appraisers and agent shall not enter upon the duties contemplated in the above resolution, till notified by the Governor that the residue of the lands to which said Western Reserve is entitled under the act of Congress of June 19, 1834, has been selected and the title thereto confirmed."

The question being on the adoption of the resolution,

Mr. Backus called for a division.

The question being on agreeing to Woolsey Welles as agent,

Mr. Backus demanded the yeas and nays thereon, which were ordered and resulted—yeas 23, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Blocksom, Burns, Byers, Chase, Dennison, Dubbs, Emrie, Evans, Hendricks, Horton, Judy, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman Wilson and Speaker—23.

Those who voted in the negative, were

Messrs. Backus, Bennett, Conklin, Corwin, Dennison, Goddard, Haines, Kendall, Worcester and Speaker—10.

So the name of Woolsey Welles was agreed to.

The question being on agreeing to the appraisers,

Mr. Wilson moved to strike out the name of "John Coddington of Medina county," and insert "A. G. Sutton of Huron county."

A division of the question was called for.

The question being on striking out,

Mr. Blake demanded the yeas and nays thereon which were ordered and resulted—yeas 8, nays 25, as follows;

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Burns, Byers, Dimmock, Dubbs, Evans and Wilson—8.

Those who voted in the negative, were

Messrs. Ankeny, Beaver, Blake, Blocksom, Bennett, Chase, Conklin, Corwin, Dennison, Emrie, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Scott, Swift, Vinal, Whitman, Worcester and Speaker—25.

So the motion to strike out was lost.

The question being on agreeing to the appraisers,

Mr. Backus demanded the yeas and nays thereon, which were ordered and resulted—yeas 27, nays 6.

Those who voted in the affirmative were,

Messrs. Ankeny, Archbold, Beaver, Bennett, Blake Blocksom, Burns, Byers, Chase, Dennison, Dimmock, Dubbs, Emrie, Evans, Haines, Hendricks, Horton, Judy, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson and Speaker—27.

Those who voted in the negative were

Messrs. Backus, Conklin, Corwin, Goddard, Kendall and Worcester—6.

So the balance of the resolution was agreed to.

Mr. Worcester moved to reconsider the vote by which H. No. 368, to incorporate the Perrysburgh and Maumee Union Bridge company was passed.

The Speaker ruled the motion out of order, as the bill was not in the possession of the Senate.

Mr. Worcester then moved that a message be sent to the House requesting the return of the bill, but ascertaining that the House had adjourned, he withdrew his motion.

On motion of Mr. Bennett,

S. No. 242, with House amendments thereto, was taken up and the amendments were agreed to.

Mr. Dennison, (on leave) from the select committee to which was committed S. No. 273; Relating to certain real estate in Franklin, Franklin county, reported the same back.

Said bill was engrossed at the Clerk's desk; and read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Archbold offered for adoption the following:

WHEREAS, a bill of the Senate in the words following, to wit:

A bill concerning the powers and duties of State Auditor.

Whereas, it is manifest to this General Assembly that the delegation of the taxing power to the Auditor of State is clearly and unquestionably unconstitutional; yet the magnitude of the interest involved renders a formal repeal proper. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of any and every act of the General Assembly of this state, as authorizes the Auditor of State to determine the rate per centum to be levied on the assessed value of the taxable property on the grand list for taxation within this state, or to give any notice of such determination to any county auditor, or to levy, or assess, or impose any tax on the people of this state, or in any manner to fix, or settle the rate or amount of taxation to be paid by the said people, be and the same is hereby repealed.

Sec. 2. That no money, whether arising from taxes, tolls, fines, water rents, or from any other source, shall hereafter be paid either for the erection or repair of any public work or works in this state, or for any other purpose, except in consequence of appropriations made by the General Assembly previously to such payment.

on a former day of this session, has failed on the question of engrossment by an equality of votes, and it is convenient for reference to have easy means of knowing its contents; therefore,

Resolved, That the Clerk of the Senate be, and he is hereby, directed to copy said bill into the journal literally and in full.

The question being on the adoption of the preamble, &c., was lost.

Mr. Dennison (on leave) presented the remonstrance of sundry citizens of Gilead township, Morrow county, against any law interfering with the act for the erection of said county.

Laid on the table.

Mr. Dennison offered for adoption the following:

Resolved, That five thousand copies of the report of the State Board of Agriculture be printed for the use of this Senate.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 17, nays 14, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blake, Blocksom, Burns, Byers, Chase, Conklin, Corwin, Dimmock, Dubbs, Hendricks, Judy, Kendall, Lewis, Scott and Wilson—17.

Those who voted in the negative were,

Messrs. Backus, Beaver, Dennison, Emre, Evans, Goddard, Haines, Horton, Myers, Patterson, Vinal, Whitman, Worcester and Speaker—14.

So the resolution was agreed to.

On motion of Mr. Scott,

Resolved, That the commissioners of the Library report to this Senate, at their earliest convenience, what disposition has been made of the six hundred dollars appropriated for the library at the last session of the legislature, and if books have been purchased therewith, furnish a catalogue with the prices of each.

Mr. Beaver, (on leave) from the select committee to which was committed H. No. 308; To incorporate the Geauga and Trumbull Plank Road Company, reported the same back.

Said bill was ordered to be read a third time to-morrow.

Mr. Myers, (on leave) from the select committee to which was committed S. No. 252; To change certain representative districts therein named, reported the same back and recommended its engrossment.

The question being on engrossing the bill,

Mr. Goddard moved a call of the Senate which was ordered and Messrs. Bennett, Claypool, Corwin, Ewing, Graham and Swift were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the engrossment of the bill,

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 15, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the Senate refused to engross the bill.

Mr. Worcester moved to reconsider the vote by which H. No. 388; To incorporate the Perrysburg and Maumee Union Bridge Company, was passed; he stating that he had obtained the bill from the committee of Enrollment of the House, and that it was now in the possession of the Senate.

The Chair stated, that being informed that the bill had passed out of the possession of the enrolling clerk of the House into the joint enrolling committee, and the bill being in the Senate Chamber is constructively in the possession of the Senate, and the motion to reconsider is therefore in order.

Mr. Byers appealed from the decision of the chair; pending which motion

The Senate adjourned.

Attest:

JOHN R. KNAPP, JR., Clerk.

TUESDAY, MARCH 20, 1849.

On motion of Mr. Kendall,

The petition relative to extending the corporate limits of the town of Portsmouth was withdrawn.

Mr. Dennison, from the committee on Corporations, to which was committed H. No. 362; To incorporate New Burlington Division No. 44 Sons of Temperance, reported the same back and recommended its indefinite postponement, which was agreed to.

Also, H. No. 324; Further to amend the act entitled an act to incorporate the town of Fairport, passed March 14, 1836, reported the same back.

Said bill was ordered to be read a third time to-morrow.

Mr. Backus, from the committee on Finance, to which was committed S. No. 39; Making appropriations for the year 1849, reported the same back and recommended its indefinite postponement, which was agreed to.

Also, S. No. 260; To reduce the valuation of real estate for purposes of taxation, reported the same back and recommended its indefinite postponement.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted yeas 17, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Chase, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Myers, Patterson, Scott, Swift, Whitman and Wilson—13.

So the bill was indefinitely postponed.

Mr. Dubbs, from the committee on Public Works, to which was committed H. No. 379; In relation to a new canal in the city of Dayton, reported the same back.

Ordered to be read a third time to-morrow.

Also, H. No. 382; To amend an act entitled an act for the preservation and repair of the national road, and for the collection of tolls thereon, passed March 13, 1843, and for other purposes, reported the same back and recommended its indefinite postponement.

Mr. Ankeny demanded the yeas and nays thereon, which were ordered and resulted yeas 18, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Blocksom, Conklin, Corwin, Dubbs, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Scott, Swift, Vinal, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Burns, Byers, Chase, Dennison, Dim-

mock, Emrie, Evans, Judy, Myers, Patterson, Whitman and Wilson—14.

So the bill was indefinitely postponed.

Mr. Archbold, from a majority of the committee on the Judiciary, to which was committed H. No. 57; Concerning Representatives and Senators in the county of Hamilton, reported the same back and made the following report:

(See Appendix, p. 388.)

And recommended that the bill be ordered to a third reading.
After debate,

On motion of Mr. Goddard,

The Senate took a recess until two and a half o'clock, P. M.

HALF PAST TWO O'CLOCK.

The question being on ordering the bill to a third reading,
Mr. Whitman moved a call of the Senate, which was ordered and Messrs. Beaver, Claypool, Dimmock, Ewing and Graham were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The question turned on ordering the bill to be read a third time.

Mr. Dubbs demanded the yeas and nays thereon, which were ordered and resulted yeas 15, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blockson, Burns, Byers, Chase, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the Senate refused to order the bill to a third reading.

Mr. Byers, from the majority of the committee on Finance, to which was committed S. No. 267; To repeal an act therein named, reported the same back and recommended its indefinite postponement.

Mr. Archbold demanded the yeas and nays thereon, which were ordered and resulted yeas 17, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Bennett, Blake, Burns, Byers, Chase, Conklin, Dubbs, Evans, Goddard, Hendricks, Lewis, Scott, Vinal, Whitman and Wilson—17.

Those voted in the negative, were

Messrs. Backus, Blocksom, Corwin, Dennison, Emrie, Haines, Horton, Judy, Kendall, Myers, Patterson, Swift and Worcester—13.

So the bill was indefinitely postponed.

Mr. Burns, from the committee on Benevolent Institutions, to which was committed House joint resolution relative to appointing Noah H. Swayne Director of the Lunatic Asylum, reported the same back with the following amendment:

"And that Samuel Medary be appointed a Director of the Institution for the education of the Deaf and Dumb, for the period of six years from and after the first day of April, 1849; and that Joseph R. Scroggs be appointed a Director of the Institution for the Blind for the term of six years from and after the first day of April, 1849."

The question being on agreeing to the amendment,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dennison, Dubbs, Emrie, Evans, Myers, Patterson, Scott, Swift, Whitman, Wilson, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis and Vinal—13.

So the amendment was agreed to.

The resolution as amended was then agreed to.

Mr. Hendricks, from the committee on enrollment, made the following report:

The committee on enrollment have examined and find correctly enrolled, the following bills and resolutions:

An act to incorporate the Chillicothe Cemetery Company.

An act to lay out and establish the Port Lawrence and Springfield free turnpike road.

An act to authorize the commissioners of Scioto and other counties to subscribe to the capital stock of the Scioto and Hocking Valley railroad company.

An act to amend the act to authorize and require the recording of the official bonds of certain public officers.

An act to incorporate the Columbus & Blenden turnpike company.

An act to amend the act entitled an act for the support and better regulation of common schools in the town of Akron, passed February 8, 1849, and the acts amendatory thereto.

An act to incorporate the Toledo & Woodville plank road company.

An act to incorporate the Bucyrus & Shelby, and the Plymouth, and the DeKalb plank road companies.

An act to authorize the establishment of a poor house and hospital by the city of Cleveland.

Resolution relative to the Lewistown reservoir.

On motion of Mr. Goddard,

The rules were suspended and the following message was taken up and read:

Message from the House of Representatives.

Mr. Speaker:

In consequence of Senate bill No. 1: To incorporate the Western Reserve Farmers' Insurance Company, having been lost in the House, requests that said bill be re-engrossed and sent to the House for action.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Goddard,

The request of the House was acceded to.

Mr. Backus, from the committee on Finance, to which was committed S. 270: To provide for the taxation of the Little Miami railroad company, reported the same back.

Ordered to be engrossed and read a third time to-morrow.

Mr. Chase, from the same committee, to which was committed S. 276: To amend the act for levying taxes on all property of this State according to its true value, reported the same back.

The question being on ordering the bill to be engrossed,

Mr. Lewis moved to amend the bill as follows:

Strike out twelfth line, first section, after the word "any other," and insert "Bank," and in the 15th line, before "State," add "or."

So that it will read, "Provided the provisions of this section shall not extend to bonds or stocks issued for the purpose of constructing the Miami canal south of Dayton, or of the Ohio canal, by virtue of the act to provide for the internal improvement of the State of Ohio, by navigable canals, passed February fourth, one thousand eight hundred and twenty-five, nor to any Bank or State stocks which are exempt from taxation by the plighted faith of the State."

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Bennett, Blake, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Vinal, Worcester and Speaker—15.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Myers, Patterson, Scott, Swift, Whitman and Wilson—15.

So the amendment was agreed to.

Mr. Byers moved to add after the word "person," the words "or corporations," which was lost.

Mr. Blake moved to strike out the second section, which was agreed to.

Mr. Scott moved the indefinite postponement of the bill, which was agreed to.

So the bill was indefinitely postponed.

Mr. Corwin, from the committee on corporations, to which was committed H. 201: To incorporate the Union Society of Oberlin Collegiate Institute, reported the same back and recommended its indefinite postponement.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas 22, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Byers, Chase, Corwin, Dennison, Dubbs, Emrie, Evans, Goddard, Haipes, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson and Speaker—22.

Those who voted in the negative, were

Messrs. Bennett, Blake, Conklin, Hendricks, Horton, Judy, Kendall and Worcester—8.

So the bill was indefinitely postponed.

Also, H. 292: To amend an act entitled an act regulating public shows, passed February 28, 1831, reported the same back.

Ordered to be read a third time to-morrow.

Mr. Vinal, from the committee on claims, to which was committed House joint resolution relative to the claim of John Westwater & Son, reported the same back with two amendments, which were agreed to.

The resolution as amended was agreed to.

Mr. Whitman, from the committee on schools and school lands, to which was committed H. 387: To amend the act entitled an act to repeal the act entitled an act for the support and better regulation of common schools in school district No. 1, in Ravenna township, reported the same back.

Also, H. 366: To authorize the trustees of Berne township, Athens county, to lease certain school lands therein named, reported the same back.

Ordered to be read a third time to-morrow.

Also, H. 367: To amend the act passed March 11, 1843, entitled an act to further amend the act for the support and better regulation of common schools, passed March 7, 1838, reported the same back and recommended its postponement until the first Monday in December next, which was agreed to.

Mr. Blocksom, from the committee on railroads and turnpikes, to which was committed H. 304: To incorporate the Cleveland & Twinsburgh plank road company, reported the same back with amendments, which were agreed to.

Also, H. 330: To incorporate the Akron plank road company, reported the same back.

Also, H. 342: To incorporate the Middleport & Rutland plank road company, reported the same back with one amendment, which was agreed to.

Also, H. 349: To amend the act entitled an act to incorporate the St. Paris, Fletcher, Piqua & Covington turnpike company, passed March 9, 1839, reported the same back.

Also, H. 356: To incorporate the New Richmond & Bethel turnpike road company, reported the same back.

Also, H. 381: To incorporate the Cuyahoga Falls plank road company, reported the same back.

Said bills were ordered to be read a third time to-morrow.

The same gentleman, from the same committee, to which was committed Senate bill 218, with House amendments thereto, reported the same back and recommended that the Senate agree to House amendments; which was agreed to.

Mr. Swift, from the committee on new counties, to which was committed S. 245: To detach certain sections from Morrow county and attach the same to Richland county, reported the same back.

Ordered to be engrossed.

Mr. Vinal, from the select committee, to which was committed H. 364: To incorporate the Dayton, Shaker Village & Xenia turnpike company, reported the same back.

Mr. Dubbs, from the select committee to which was committed H. No. 371; To authorize the city council of Cincinnati to levy an additional tax in aid of the disabled Fremmen's Fund, reported the same back.

Also, H. No. 374; To amend the act entitled an act to incorporate the Proprietors of the Cemetery of Spring Grove, passed January 21, 1845, reported the same back.

Mr. Swift, from the select committee to which was committed H. No. 383; To authorize the town council of the town of Akron to levy a tax to liquidate the debts due from said town, reported the same back.

Mr. Burns, from the select committee to which was committed H. No. 20; To regulate proceedings before justices of the peace, reported the same back with one amendment, which was agreed to.

Said bills were ordered to be read a third time to-morrow.

Also, H. No. 231; Concerning the docket of Jeremiah Moore, deceased, late justice of the peace in Fairfield county, reported the same back.

Mr. Goddard, from the select committee to which was committed S. No. 177; Further to amend the act to regulate the action of forcible entry and detainer, reported the same back.

Said bills were indefinitely postponed.

Mr. Ankeny, from the select committee to which was committed S. No. 256; To punish judges for appearing as attorneys in the courts of justices of the peace, reported the same back.

Ordered to be engrossed.

Mr. Butts, from the select committee to which was committed H. No. 283; To create a special road district in Crawford county, reported the same back.

Said bill was read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Blocksom, from the select committee to which was committed H. No. 357; To repeal the provision of an act passed February 14,

1848, entitled an act for the support and better regulation of common schools in the town of Akron, reported the same back.

Ordered to be read a third time to-morrow.

On motion,

The rules were suspended and the messages were taken up.

Message from the House of Representatives.

Mr. Speaker:

The House insists on its amendments to S. No. 131; To amend the act entitled an act to incorporate the Milford and Chillicothe Turnpike Road company, passed February 11, 1832.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Emrie moved that the Senate insist upon its disagreement to House amendment to S. No. 131, and ask for a committee of conference, which was agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

H. No. 175; To amend an act entitled an act to authorize the city of Dayton to subscribe to the capital stock of certain rail road companies, passed February 8th, 1847.

H. No. 190; To amend the act defining the powers and duties of justices of the peace and constables in civil cases.

H. No. 232; To amend the act to incorporate the Mad River and Great Miami Rail Road company.

H. No. 382; To authorize the sale of school section sixteen in Wells township, Jefferson county.

H. No. 393; To incorporate the Barnesville and Warren Turnpike Road company.

H. No. 394; To incorporate the town of Springhills in the county of Champaign.

H. No. 396; Further to amend the charter of the city of Cincinnati.

Attest:

STANLEY MATTHEWS, Clerk.

Read the first time.

Message from the House of Representatives:

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

S. No. 71; To amend the act to authorize and require the recording of the official bonds of certain public officers.

S. No. 58; To incorporate the Toledo and Woodville Plank Road company.

S. No. 147; To incorporate the Columbus and Blenden Turnpike company.

S. No. 124; To incorporate the Chillicothe Cemetery company.

S. No. 168; To lay out and establish the Port Lawrence and Springfield free turnpike road.

S. No. 201; To authorize the establishment of a poor house and hospital by the city of Cleveland.

S. No. 247; An act to amend the act entitled an act for the support and better regulation of common schools in the town of Akron, passed February 8, 1849, and the acts amendatory thereto.

S. No. 228; To authorize the Commissions of Scioto and other counties to subscribe to the capital stock of the Scioto and Hocking Valley Rail Road company.

S. No. 244; To incorporate the Bucyrus and Shelby and the Plymouth and DeKalb Plank Road companies.

The Speaker has signed the following joint resolution:

Relative to the Lewistown Reservoir.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

S. No. 87; Prescribing the times of holding the supreme court.

S. No. 76; To incorporate the Lower Sandusky, Tiffin and Fort Ball Plank Road company, with amendments.

S. No. 101; To amend the law, passed March 2, 1846, to tax money brokers.

S. No. 107; To incorporate the Toledo Lodge No. 144, of Free and accepted Masons, in the county of Lucas, with amendments.

S. No. 176; To amend the act to lay out and establish the Toledo and Port Clinton free turnpike road.

S. No. 179; In relation to the Old Penitentiary lot in the city of Columbus.

S. No. 238; In relation to Coroners' Juries.

S. No. 239; To incorporate the society of Savings in the city of Cleveland, with amendments.

S. No. 243; To amend the several acts incorporating turnpike companies in this state, with an amendment.

S. No. 259; To incorporate the Barnesville Rail Road company.

S. No. 253; To authorize subscriptions to the capital stock of the Bellefontaine and Indiana Rail Road company, by townships on the line of said road.

S. No. 268; In relation to the state road leading from Lower Sandusky to Findlay, with amendments.

S. No. 269; To extend the time of payment for certain school lands in Lucas county.

Attest:

STANLEY MATTHEWS, Clerk.

S. No. 107, was referred to the committee on corporations.

House amendments to S. No. 76 and 239 were agreed to.

S. No. 243, was referred to the committee on Rail Roads and Turnpikes.

S. No. 268 was referred to a select committee of one—Mr. Wilson.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following House joint resolution, in which the concurrence of the Senate is requested.

Relative to the number of copies of laws, general and local, and resolutions passed at the present session, and of the journals of the House distributable to the several counties of the State, and other purposes.

Attest:

STANLEY MATTHEWS, Clerk.

Said resolution was referred to the committee on printing.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to the following bills:

H. No. 328; To incorporate the Black River and Amherst Plank Road company.

H. No. 341; To incorporate the Miami and Toledo Plank Road company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate joint resolution

Relative to the accounts of William Spencer.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The Speaker of the House has also signed the following enrolled bill:

H. No. 263; To amend the act entitled an act to amend the act for levying taxes on all property in this State according to its true value, passed March 2d, 1846, and for other purposes.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House agrees to Senate amendments to the following bills:

H. No. 191; To amend the act entitled "an act to create the office of Attorney General and to prescribe his duties," passed February 18, 1846, and the act amendatory thereof.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill.

H. No. 300; To provide for the payment of seven thousand dollars by the people of Gilead township, Morrow county, to aid in the erection of public buildings.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Scott,
The Senate adjourned.

Attest:

JOHN K. KNAPP, JR., Clerk.

WEDNESDAY, MARCH 21, 1849.

A call of the Senate was ordered and Messrs. Archbold, Beaver, Bennett, Blake, Chase, Claypool, Conklin, Corwin, Dimmock, Evans, Ewing, Graham, Judy and Lewis were absent.

On motion Messrs. Beaver, Claypool, Dimmock, Ewing, Graham and Lewis were excused.

A quorum appearing in the Senate,

On motion, all further proceedings under the call were dispensed with.

Mr. Wilson presented the petition of J. Q. A. Worth and 61 citizens of Wyandotte county, for the regulation of the Militia.

Committed to the committee on the Militia.

On motion of the same gentleman, the committee of the whole were discharged from the consideration of S. No. 262; To repeal the several acts therein named, regulating the Militia.

The question being on the engrossment of the bill,

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 8, nays 19, as follows;

Those who voted in the affirmative were

Messrs. Blocksom, Dubbs, Emrie, Goddard, Kendall, Patterson, Wilson and Speaker—8.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Backus, Blake, Burns, Byers, Chase, Conklin, Corwin, Dennison, Haines, Hendricks, Horton, Myers, Scott, Swift, Vinal Whitman and Worcester—19.

So the Senate refused to engross the bill.

Mr. Archbold, from the committee on the Judiciary, to which was committed H. 375; To authorize the Columbus and Sandusky Turnpike Company to sue the State, reported the same back, and recommended its indefinite postponement.

Mr. Goddard demanded the previous question, which was ordered. The question being "shall the main question be now put?"

Mr. Wilson demanded the yeas and nays thereon, which were ordered and resulted—yeas 11, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Byers, Dubbs, Goddard, Haines, Hendricks, Horton, Swift, Vinal, Whitman and Speaker—11.

Those who voted in the negative, were

Messrs. Backus, Blake, Blocksom, Burns, Chase, Conklin, Corwin, Dennison, Emrie, Judy, Kendall, Myers, Patterson, Scott, Wilson and Worcester—16.

So the Senate refused to order the main question put.

The question being on the indefinite postponement of the bill,

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted—yeas 19, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Goddard, Haines, Horton, Myers, Patterson, Scott, Swift, Whitman, Wilson, and Speaker—19.

Those who voted in the negative were

Messrs. Blake, Corwin, Dennison, Hendricks, Judy, Kendall, Vinal and Worcester—8.

• So said bill was indefinitely postponed.

Mr. Archbold, from the same committee to which was committed H. No. 101; To compel Mortgagees and others to enter satisfaction of mortgages within three months after payment of mortgage money, or satisfaction of the condition of such mortgage, reported the same back, and recommended its indefinite postponement, which was agreed to.

Mr. Dennison, from the committee on Corporations, to which was committed H. No. 343, further to amend an act entitled an act to incorporate the town of Fulton, in the township of Fulton, in the county of Hamilton; passed February 6, 1832, reported the same back.

Committed to a select committee of one—Mr. Dubbs.

Also, H. No. 316, to incorporate the Defiance Female Seminary, in the county of Defiance, reported the same back.

Ordered to be read a third time to-morrow.

The same gentleman, from the committee on the Judiciary, to which was committed H. No. 45, providing for bringing suits against certain incorporated companies, reported the same back and recommended its indefinite postponement; which was agreed to.

Mr. Archbold, from the same committee, to which was committed H. No. 126, to amend the act entitled an act directing the mode of trial in criminal cases, passed March 7, 1831, reported the same back and recommended its indefinite postponement; which was agreed to.

Also, H. No. 329, to amend the act entitled an act to authorize Nathan Starr to sell and convey certain real estate, the property of the

minor heirs of his late wife, Mary W. Starr, passed Jan. 28, 1844, reported the same back and recommended its being ordered to be read a third time.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 12, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Blake, Conklin, Dennison, Hendricks, Horton, Judy, Kendall, Scott, Vinal, Whitman and Worcester—12.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Byers, Chase, Dubbs, Goddard, Haines, Myers, Patterson, Swift and Wilson—11.

No quorum having voted,

Mr. Worcester moved a call of the Senate, which was ordered, and Messrs. Backus, Beaver, Bennett, Burns, Claypool, Corwin, Dimmock, Evans, Ewing, Graham and Lewis were absent.

On motion,

All further proceedings under the call were dispensed with.

The question being on ordering the bill to a third reading, it was agreed to.

Ordered to be read a third time to-morrow.

Mr. Hendricks, from the committee on Enrollment, made the following report:

The committee on Enrollment report that they have examined and find correctly enrolled the following bills, to wit:

An act to amend the act for the appointment of certain officers therein named, passed Feb. 17, 1831.

An act to authorize the county Auditor of Holmes county to levy additional taxes on property in school district No. 9, Hardy township, for school purposes.

An act to amend the law passed March 2, 1846, to tax money brokers.

An act to lay out and establish a free turnpike road from Sidney to the line of Anglaize county.

An act to repeal the fifth section of an act entitled an act to authorize county commissioners of this State to lay out and establish State roads.

An act amendatory to the act to provide for the profitable employment of convict labor on the new State House, passed Feb. 24, 1848, and for other purposes.

An act to incorporate the Lower Sandusky and Sandusky City Plank Road company.

An act to incorporate the South Charleston and Washington Turnpike company.

An act to extend the time of payment for certain school lands in Lucas county.

An act in relation to the old penitentiary lot in the city of Columbus.

Mr. Archbold, from the committee on the Judiciary, to which was committed H. No. 158, to amend the several acts now in force to regulate the practice of the judicial courts, reported the same back with amendments.

Mr. Myers moved the indefinite postponement of the bill, which was agreed to.

Also, H. No. 354, to repeal the ninth section of the act entitled an act to incorporate the Milan and Richland Plank Road company, passed Jan. 31, 1845, and for other purposes, reported the same back and recommended the postponement of the bill until the 1st Monday in December next. Agreed to.

Mr. Vinal, from the committee on claims, to which was referred the claims of J. R. Scroggs, John Westwater & Son, and J. Fraas, examined the same, and the majority of said committee reported the following resolution, which was agreed to.

Resolved, by the General Assembly of the State of Ohio, That there be paid to J. R. Scroggs the sum of twenty-four dollars and six cents; and to John Westwater & Son one dollar and twenty-five cents, and to John C. Fraas the sum of six dollars, and that the same be paid out of moneys appropriated for such purposes in the general appropriation bill.

On motion of Mr. Goddard,
The rules were suspended so as to introduce a resolution.

On motion of Mr. Blake,

Resolved by the Senate and House of Representatives, That the joint resolution heretofore passed prohibiting the introduction of bills after a certain day, be so far amended as to permit the introduction into the Senate of a bill to amend the act fixing the times of holding the court of common pleas in the eleventh judicial circuit.

Mr. Archbold, from the committee on the Judiciary, to which was committed H. No. 377, to exempt from levy and execution certain property therein named, reported the same back and recommended the indefinite postponement of the bill.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted yeas 20, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Blake, Blocksom, Byers, Chase, Corwin, Dennison, Dabbs, Ewing Goddard, Haines, Horton, Kendall, Scott, Swift, Vinal, Whitman and Worcester—20.

Those who voted in the negative, were

Messrs. Burns, Conklin, Emrie, Hendricks, Judy, Myers, Patterson, Wilson and Speaker—9.

So the bill was indefinitely postponed.

Mr. Emrie, from the committee on Public Printing, to which was committed House joint resolutions relative to the distribution of the

laws, journals, &c., reported the same back with one amendment, which was agreed to.

The resolutions as amended were then agreed to.

Mr. Blocksom, from the committee on Railroads and Turnpikes, to which was committed S. No. 243, with House amendment thereto, reported the same back and recommended that the Senate agree to said amendment; which was agreed to.

Mr. Conklin asked leave to record his vote on the indefinite postponement of House bill No. 375; which was agreed to.

Mr. Conklin, being called, voted "no."

On motion of Mr. Judy,

The Senate took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Beaver, Burns, Claypool, Dimmock, Emrie, Ewing, Graham, Judy, Lewis, Myers, Patterson, Swift, Vinal and Wilson were absent.

On motion,

Messrs. Claypool, Ewing and Graham were excused.

On motion,

All proceedings under the call were dispensed with.

On motion of Mr. Goddard,

The rules were suspended so as to introduce a joint resolution.

The same gentleman offered the following resolution:

Resolved, by the General Assembly of the State of Ohio, (two-thirds of each branch concurring therein,) That it be recommended to the electors, at the next election for members to the General Assembly, to vote for or against a convention to amend the constitution of this State.

Resolved, That the votes for or against a convention shall be returned and certified in the same manner as votes for Governor are certified and returned.

On motion of Mr. Vinal,

Said resolution was committed to the committee on the Judiciary.

On motion of Mr. Worcester,

S. No. 115, was taken up and referred to a select committee of one—Mr. Worcester.

On motion of Mr. Judy,

The vote was reconsidered, whereby H. No. 354, was indefinitely postponed.

Said bill was committed to a select committee of two—Messrs. Vinal and Judy.

Mr. Worcester, from the select committee to which was committed S. No. 115, reported the same back with one amendment, which was agreed to.

Ordered to be read a third time to-morrow.

Mr. Dubbs, from the select committee to which was committed H.

No. 343; To amend the act to incorporate the town of Fulton, in the county of Hamilton, passed February 6, 1832, reported the same back and recommended the postponement of said bill until the 1st Monday in December next, which was agreed to.

Mr. Dennison, on leave, from the committee on corporations, to which was committed S. No. 107, with House amendments thereto, reported the same back, and recommended that the Senate agree to said amendments, which was agreed to.

The following bills were severally read a second time and committed as follows:

H. No. 175; To amend an act entitled an act to authorize the city of Dayton, to subscribe to the capital stock of certain railroad companies, passed February 8, 1847.

Committed to the committee on railroads and turnpikes.

H. No. 199; To amend the act defining the powers and duties of justices of the peace and constables in civil cases,

Committed to a select committee of one—Mr. Goddard.

H. No. 262; To amend the act to incorporate the Mad River and Great Miami Railroad company.

Committed to the committee on railroads and turnpikes.

H. No. 392; To authorize the sale of school section 16, in Wells township, Jefferson county.

Committed to the committee on schools and school lands.

H. No. 393; To incorporate the Painesville and Warren Turnpike Road company.

Committed to a select committee of one—Mr. Dennison.

H. No. 394; To incorporate the town of Spring Hills, in the county of Champaign.

H. No. 396; Further to amend the charter of the city of Cincinnati.

Said bills were committed to the committee on corporations.

The following bills were read a third time and passed:

S. No. 245; To detach certain sections from Morrow county, and attach the same to Richland county.

S. No. 256; To punish judges for appearing as attorneys in the courts of justices of the peace.

S. No. 270; To provide for the taxation of the Little Miami Railroad company.

S. No. 253; To amend an act entitled an act regulating judgments and executions, passed April 3, 1837.

S. No. 263; To revive the act entitled an act appointing commissioners to lay out and establish a free turnpike road from Batou to Sugar Valley, Preble county, passed February 1848.

S. No. 266; To lay out and establish the Portage Free Turnpike road, in the county of Wood.

H. No. 289; To amend the act entitled an act to incorporate the Urbana and Columbus Railroad company.

H. No. 308; To incorporate the Geauga and Trumbull Plank Road company.

- H. No. 319; To amend the charter of the city of Ohio.
- H. No. 336; To incorporate the Methodist Episcopal Church of Turliton, Pickaway county.
- H. No. 337; To incorporate the town of New Burlington in the counties of Clinton and Green.
- H. No. 29; To regulate proceedings before justices of the peace.
- H. No. 292; To amend the act entitled an act to regulate public shows, passed February 28, 1831.
- H. No. 304; To incorporate the Cleveland and Twinsburg Plank Road company.
- H. No. 324; Further to amend the act entitled an act to incorporate the town of Fairport, passed March 14, 1836.
- H. No. 330; To incorporate the Akron Plank Road company.
- H. No. 342; To incorporate the Middleport and Butland Plank Road company.
- H. No. 349; To amend the act entitled an act to incorporate the St. Paris, Elizabethtown, Piqua and Covington Turnpike company, passed March 9, 1839.
- H. No. 356; To incorporate the New Richmond and Bethel Turnpike company.
- H. No. 357; To repeal the provisions of an act passed February 14, 1848, entitled an act for the support and better regulation of common schools in the town of Akron.
- H. No. 364; To incorporate the Dayton, Shaker Village and Xenia Turnpike company.
- H. No. 366; To authorize the trustees of Berne township, Athens county, to lease certain school lands therein named.
- H. No. 371; To authorize the city council of Cincinnati, to levy an additional tax in aid of the disabled firemen's fund.
- H. No. 374; To amend the act entitled an act to incorporate the proprietors of the Cemetery of Spring Grove, passed Jan. 21, 1845.
- H. No. 379; In relation to a new canal in the city of Dayton.
- H. No. 381; To incorporate the Cuyahoga Falls Plank Road company.
- H. No. 383; To authorize the town council of the town of Akron, to levy a tax to liquidate the debts due from said town.
- H. No. 387; To amend the act entitled an act to repeal the act entitled an act for the support and better regulation of common schools in school district No. 1, in Ravenna township and for other purposes.
- S. No. 115; To repeal so much of the 6th section of the act of January 22d, 1848, entitled an act to provide for the assessment of personal property, and the valuation of new entries and new structures, as requires the county auditor to enter upon the duplicate of the county the amount of tax levied for road purposes.
- Ordered that the title be as aforesaid.
- The following bills were read the third time:
- H. No. 14; To amend an act for opening and regulating roads and highways, passed March 14, 1831, and the acts amendatory thereto.
- The question being "shall the bill pass?"

Mr. Blake demanded the yeas and nays, which were ordered and resulted yeas 10, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Blocksom, Byers, Conklin Corwin, Dennison, Emrie, Judy, Patterson, Scott and Vinal—10.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Blake, Burns, Chase, Dubbe, Evans, Goddard, Haines, Horton, Kendall, Swift, Whitman, Wilson, Worcester and Speaker—17.

So the Senate refused to pass the bill.

H. No. 353; To legalize the surrender of a lease to Luther Shepherd, to certain ministerial lands therein named.

The question being on agreeing to the title, it was amended as follows: Add at the end "and to authorize the sale of school section 16, in Gorham township, Lucas county.

The title as amended was agreed to and the bill was passed.

Ordered that the title be as aforesaid.

The Speaker laid before the Senate the special report of the Auditor of State, relative to the indebtedness of the directors and stockholders of the Clinton Bank.

[See Public Document.]

Committed to a select committee of one—Mr. Byers.

Also the special report from the same officer relative to taxing State stocks:

(See Vol. Pub. Doc.)

Committed to the committee on Finance.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

H. No. 348; Incorporating the Ohio Iron and Coal company.

S. No. 265; To incorporate the Bryan Plank Road company.

Attest:

STANLEY MATTHEWS, Clerk.

H. No. 348, was read the first and second time, and committed to a select committee of two—Messrs. Ankeny and Kendall.

Message from the House of Representatives.

Mr. Speaker:

The House accedes to the request of the Senate for the appointment of a committee of conference, on the disagreement of the Senate to the House amendments to S. No. 131; To amend the act entitled an act to

incorporate the Milford and Chillicothe Turnpike company, passed February 11, 1832, and has appointed Messrs. Olds, Foster and Pierce, said committee on the part of the House.

Attest:

STANLEY MATTHEWS, Clerk.

Messrs. Emrie and Ankeny were appointed on the part of the Senate.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to House joint resolution:

Relative the appointment of Noah H. Swayne a director of the Ohio Lunatic Asylum.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed the following bills:

S. No. 187; To repeal the proviso to the forty-first section of the act for the punishment of crime.

S. No. 231; To amend the act entitled an act providing for the punishment of crimes, passed March 7, 1835.

The House has refused to pass the following bill:

S. No. 56; To give additional security to land titles in this State.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. No. 236; To authorize the Canal Fund Commissioners to exchange certain certificates of the funded debt of this State.

S. No. 237; In relation to the fees of grand and petit jurors in Cuyahoga county.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House of Representatives has signed the following enrolled bills:

H. No. 98; To authorize the trustees of the original surveyed township in Brown township, Athens county, to lease to the original lessees, or their assignees, section 29 in said township.

H. No. 188; To amend an act entitled an act to incorporate the towns of Mew Richmond and Susanna, in the county of Clermont, and the acts amendatory thereto.

H. No. 190; To amend the act entitled an act to incorporate the town of Xenia in the county of Greene, passed February 9, 1830, and for other purposes.

H. No. 229; To lay out and establish a State road in the counties of Jackson and Gallia.

H. No. 232; To incorporate the Circleville, Darbyville and London Turnpike Road company.

H. No. 254; Supplementary to an act entitled an act to incorporate the Washington Fire Engine company of the town of Mt. Vernon, passed February 18, 1840.

H. No. 255; To repeal an act entitled an act to lay out and establish a certain free turnpike therein named.

H. No. 271; To incorporate the Mahoning Plank Road company.

H. No. 284; To amend an act to establish a graded State road in the counties of Gallia, Meigs and Athens.

H. No. 285; To amend an act entitled an act to lay out and establish a graded State road in the counties of Gallia and Jackson.

H. No. 317; To extend the time of payment for school section 16, in Canton township, Stark county.

H. No. 325; Making appropriations for the year 1849.

H. No. 327; To incorporate the London and Mt. Sterling Turnpike company.

H. No. 346; To incorporate the Stillwater and Dark county Turnpike company.

H. No. 359; To extend the time of payment to purchasers of school section 16, in township 4, and range 4, in Warren county.

S. No. 38; To authorize the town council of the town of Sidney, to subscribe to the capital stock of the Sidney and Wapakonetta turnpike road company.

S. No. 60; To amend the act incorporating the Cincinnati, Lebanon and Springfield turnpike company.

S. No. 80; To amend an act entitled an act to incorporate the town of Mansfield in the county of Richland, and to repeal all acts now in force in relation thereto, passed March 13, 1843.

S. No. 105; To incorporate the Marion Hall Building company of Mt. Healthy, Hamilton county, O.

S. No. 125; To amend an act entitled an act to incorporate the town of Sidney, passed March 1, 1834.

S. No. 185; To amend the several acts relating to the Cincinnati, Hamilton and Dayton Railroad company.

S. No. 188; To authorize the town council of Newark to subscribe to the capital stock of the Newark Plank Road company.

S. No. 212; In relation to the Miami canal, the Miami Extension and the Wabash and Erie canal.

S. No. 234; To incorporate the Columbus Horticultural Society.

S. No. 241; To extend the time of payment for the northwest quarter of section 16, in Perry township, Morrow county.

S. No. 229; To incorporate the Eaton and New Madison Plank Road company.

S. No. 235; To organize the county of Ashland a separate brigade.

The Speaker of the House has signed the following enrolled joint resolution:

Relative to taking gravel from the old Penitentiary lot.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to claims against the United States.

Attest:

STANLEY MATTHEWS, Clerk.

Said resolution was referred to a select committee of two—Messrs. Byers and Hendricks.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following joint resolution:

Relative to the salary of the Governor.

Attest:

STANLEY MATTHEWS, Clerk.

Said Resolution was agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to the number of laws, journals &c., sent to the several counties of this State.

Attest:

STANLEY MATTHEWS, Clerk.

Said resolution was agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to Senate amendment to House joint resolution,

Relative to the claim of John Westwater and son.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

S. No. 134; To amend the act for the appointment of certain officers therein named.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House disagrees to Senate amendments to H. No. 31, to exempt a homestead from levy and sale on execution.

Attest: STANLEY MATTHEWS, Clerk.

The Senate insists on its amendment to said bill.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to a day of thanksgiving.

Attest: STANLEY MATTHEWS, Clerk.

Said resolution was agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to the following Senate joint resolution with an amendment:

Relative to slavery in the Territories.

Attest: STANLEY MATTHEWS, Clerk.

Said House amendments to said resolution were agreed to.

Message from the House of Representative.

Mr. Speaker:

The House has agreed to the following Senate joint resolution.

Relative to appointing an Agent and Appraisers for Western Reserve School Lands.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has indefinitely postponed the following bill:

S. 236; To authorize the Canal Fund Commissioners to exchange certain certificates of the funded debt of this State.

S. No. 237; In relation to the fees of Grand and Petit Jurors in Cuyahoga.

Attest: STANLEY MATTHEWS, Clerk.

Mr. Vinal, from the select committee to which was referred H. No. 344; To amend the act entitled an act to regulate the sale of Ministe-

rial and School Lands, and the surrender of permanent leases thereto, passed Feb. 2d, 1843, reported the same back and recommended its third reading, which was agreed to.

Ordered that it be read a third time to-morrow.

Mr. Wilson, from the select committee to which was referred S. No. 268, with House amendment thereto, reported the same back and recommended the following amendments to House amendment :

"Strike out the word 'and' in the 12th line, and insert 'Sandusky, Williams, Defiance, Paulding, Van Wert, Allen, Anglaize and Mercer,'" which was agreed.

Mr. Whitman, (on leave) from the committee on Schools and School Lands to which was referred 392 : To authorize the sale of School Section sixteen in Wells township, Jefferson county, reported the same back and recommended its third reading, which was agreed to.

Ordered to be read a third time to-morrow.

The same gentleman from the select committee to which was referred H. No. 198 ; To revive and amend the act entitled an act to incorporate the Tiffin Savings Institution, passed March 3d, 1834, reported the same back and recommended its postponement until the first Monday of Dec. next, which was agreed to.

Mr. Goddard, from the select committee to which was referred H. No. 199 ; To amend the act defining the power and duties of Justices of the Peace and Constables in civil cases, reported the same back and recommended that sections 2, 3, and 4 be stricken out, and that the bill with the pending amendment, be committed to the committee on the Judiciary, which was agreed to.

On motion of Mr. Conklin,

Resolved, That the Secretary of State be, and he is hereby directed to send with the laws, journals, &c., to each member of the Senate, his share of the extra copies of the Report of the Board of Agriculture, heretofore ordered to be printed.

Mr. Hendricks, from the committee on enrollment, reported back the following acts, correctly enrolled :

An act to amend the act entitled an act to incorporate the Ripley and Hillsborough Turnpike company, passed February 19, 1843.

An act to amend the act entitled an act relating to Wills, passed March 23, '840, and for other purposes.

An act to incorporate the Iron Road company.

An act to amend the act to lay out and establish the Toledo and Port Clinton Free Turnpike Road.

An act in relation to Coroners' Juries.

An act to repeal a part of a certain act therein named.

An act to incorporate the Lower Sandusky and Rollersville Plank Road company.

An act to amend the act to authorize Muskingum county and the town of Zanesville, to subscribe to the capital stock of the Central Ohio Railroad.

An act to incorporate the Four Mile and Seven Mile Turnpike company.

An act to amend the act to incorporate the Cleveland Gas-light and Coke company.

An act to revive and amend the act for the incorporation of the Huron Plank Road company.

An act to incorporate the Columbus and Groveport Turnpike company.

An act to extend the limits of the town of Hamilton, and for other purposes.

An act for the opening and repair of roads and highways on the line between the States of Pennsylvania and Ohio.

An act to amend the act entitled an act to incorporate the Medina Fire Insurance company.

An act to incorporate the Malta and Putnam Plank Road company.

Mr. Scott moved to take up H. No. 382; to amend an act entitled an act, for the preservation and repair of the National Road, and for the collection of tolls thereon, passed March 13, 1843, and for other purposes, which was agreed to.

The same gentleman moved to reconsider the vote by which said bill was indefinitely postponed.

On motion,

Said motion was laid on the table.

The Speaker laid before the Senate the communication of Samuel Galloway, in reply to a resolution of the Senate of the 15th inst., relative to laws, &c.

(See Pub. Doc.)

Referred to a select committee of one—Mr. Byers,

On motion of Mr. Goddard,

Resolved, That the Sergeant-at-arms collect and return to the Library or Secretary of State's Office, before the close of the session, the volumes of laws and public documents which have been brought to the Senate chamber for the use of members.

On motion of Mr. Dennison,

Resolved, That the Speaker be authorized to audit the account of James Donahoo and John Martin, for the time each was actually employed as Messenger boys to the Senate during the illness of Haver Cool, originally appointed to that place, and whose appointment has not been revoked; the compensation not to be greater than 75 cents per day.

Mr. Archbold from the committee on judiciary to which was referred Senate joint resolution, relative to a convention to alter and amend the constitution, reported the same back and recommended the following as a substitute, which was agreed to.

Resolved by the General Assembly of the State of Ohio, (Two thirds of the members of each House of the General Assembly concurring therein,) That it is necessary to amend the constitution of the

State of Ohio; and we do hereby recommend to the electors at the next election for members of the General Assembly, to vote for or against a constitution agreeably to the provisions of the fifth section of the seventh article of the constitution, and the judges of elections held within each and every township in this State, shall receive and transmit with the return of votes given for members of General Assembly to the clerks of the courts of common pleas within their respective counties, a statement of all votes given within their respective townships for and against a convention. And the clerks of the courts of common pleas in the several counties within this State, are directed to include in the general abstracts of votes given within their respective counties, for members of the General Assembly, a statement of the number of votes given within their respective counties, for and against a convention to amend the constitution of this State, and return to their respective offices, and forward the same to the office of the Secretary of State, previously to the next session of the General Assembly.

The question being on the adoption of the resolution.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted—yeas 29, nays 5, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Burns, Byers, Chase, Dennison, Dimmock, Dubbe, Emrie, Evans, Goddard, Haines, Hendricks, Horton, Lewis, Myers, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—29.

Those who voted in the negative, were

Messrs. Claypool, Conklin, Corwin, Judy and Kendall—5.

Two thirds having voted in the affirmative, the resolution was carried.

Mr. Dennison from the select committee to which was referred H. No. 393, to incorporate the Barnesville and Warren Turnpike Road Company, reported the same back and recommended its third reading, which was agreed to.

Ordered to be read a third time to-morrow.

On motion of Mr. Byers,

Senate resolution relative to employing extra guards in the Ohio Penitentiary, was taken up and indefinitely postponed.

On motion of Mr. Vinal,

The Senate adjourned.

Attest:

J. R. KNAPP, Jr., Clerk.

THURSDAY, MARCH 22, 1849.

Mr. Archbold, from the committee on the judiciary, to which was committed H. 238: To amend the act entitled an act for appointing Notaries Public, passed February 7, 1816, reported the same back with amendments which were agreed to.

Said bill was read the third time.

Committed to a select committee of one—Mr. Goddard.

Mr. Whitman, from the same committee, to which was committed the papers relative to the claim of Thomas J. Davis for work done on the National Road, reported the same back and recommended the postponement of the same until the first Monday in December next, which was agreed to.

Mr. Vinal from the committee on claims, to which was presented sundry claims, report that they have examined the same and find them correct. They therefore offer for adoption the following joint resolution, which was agreed to:

Resolved by the General Assembly of the State of Ohio, That there be paid to Asa Taylor the sum of forty-eight dollars and ninety-five cents, to I. N. Whiting & Huntington the sum of four dollars and forty-five cents, to S. Clark & Co. the sum of nineteen dollars and five cents, to G. Abbott & Co. the sum of twenty dollars and ninety-seven cents, and to J. D. Osborn & Co. the sum of thirty-three dollars and twenty-six cents, and that the same be paid out of monies appropriated for such purposes in the general appropriation bill.

Mr. Blocksom, from the committee on railroads and turnpikes, to which was committed H. 175: To amend an act entitled "an act to authorize the city of Dayton to subscribe to the capital stock of certain railroad companies, passed February 8, 1847, reported the same back with one amendment, which was agreed to.

Also, H. 262: To amend the act to incorporate the Mad River & Great Miami railroad company, reported the same back.

Mr. Dennison, from the committee on corporations, to which was referred H. 394: To incorporate the town of Spring Hills, in the county of Champaign, reported the same back.

Said bills were severally read a third time and passed.

Ordered that the titles be as aforesaid.

Mr. Goddard, from the select committee, to which was committed H. 238: To amend the act entitled an act for appointing Notaries Public, passed February 7, 1816, reported the same back and recommended that the seventh section be stricken out, which was agreed to.

So the bill was passed:

Ordered that the title be, as aforesaid.

Mr. Dennison, on leave, from the committee on corporations, to which was committed H. 396: Further to amend the charter of the city of Cincinnati, reported the same back and recommended its postponement until the first Monday in December next, which was agreed to.

Mr. Ankeny, from the select committee, to which was committed H. 348: Incorporating the Ohio Iron and Coal company, reported the same back.

Said bill was read a third time and passed.

Ordered that the title be as aforesaid.

Mr. Hendricks, from the select committee, to which was committed S. 8: To abolish capital punishment, reported the same back and recommended its engrossment, and made the following report:

(See Appendix, page 363.)

Mr. Myers moved that the bill be indefinitely postponed.

Mr. Whitman moved to postpone the bill until the first Monday in December next.

The same gentleman moved a call of the Senate, which was ordered, and Messrs. Beaver, Corwin, Dimmock, Evans, Ewing and Graham, were absent.

On motion,

All further proceedings under the call were dispensed with.

The question being on postponing the bill until the first Monday in December,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 16, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Blocksom, Burns, Conklin, Dennison, Dubbs, Horton, Judy, Kendall, Myers, Patterson, Vinal, Worcester and Speaker—16.

Those who voted in the negative, were

Messrs. Blake, Byers, Chase, Emrie, Goddard, Haines, Hendricks, Lewis, Scott, Swift, Whitman and Wilson—12.

So the bill was postponed until the first Monday in December.

Mr. Emrie, from the joint committee of conference, to which was referred the matters of difference between the two Houses in relation to Senate bill 131: To amend the act entitled an act to incorporate the Milford & Chillicothe turnpike road company, and the House amendments thereto, was instructed to recommend that the Senate disagree to said amendments, to-wit: the first and third House amendments.

Mr. Byers, from the select committee, to which was committed the special report of the Secretary of State, relative to the laws and journals, &c., reported the same back.

Laid on the table.

And introduced the following resolution, which was agreed to.

Resolved, by the General Assembly of the State of Ohio, That the State Librarian be, and he hereby is, authorized and required to ascertain by publication in two of the newspapers of the city of Columbus; or by correspondence, or both, where and at what price the following laws and journals of the State of Ohio can be procured for the State, to-wit: All the journals of the Senate preceding the session of 1807-8,

and the journals of the sessions of the House of Representatives prior to the same period, and which are not now in the library; also, three additional copies of the first, second and third volumes of the laws of said State, and report all the facts he may ascertain on this subject to the next session of the General Assembly.

Mr. Blake, on leave, in accordance with the joint resolution, introduced the following bill:

S. 277: To amend an act entitled an act fixing the times of holding the courts of common pleas in the 11th judicial circuit.

Said bill was read the first time.

The constitutional rule was dispensed with, and said bill was read a second and third time and passed.

Ordered that the title be as aforesaid.

On motion of Mr. Burns,

Resolved, by the Senate and House of Representatives, That the Superintendent of the Lunatic Asylum be, and he is hereby authorized and directed to receive Margaret Scantling, a resident of the county of Summit, in said State, into said asylum as a State patient.

On motion of Mr. Burns,

Resolved, That Columbia Downing be allowed and paid the sum of twenty-five dollars for his services in organizing the Senate at the commencement of the present session, and that the Speaker of the Senate certify the same to the Auditor of State, who is hereby directed to audit and allow the same.

Mr. Hendricks, from the committee on enrollment, made the following report:

The committee on enrollment report, that they have examined and found correctly enrolled the following acts and resolutions:

An act to authorize the canal fund commissioners to exchange certain certificates of the funded debt.

An act to incorporate the Lower Sandusky, Tiffin and Fort Bass plank road company.

An act to authorize the trustees of townships, in the county of Union, to levy an additional road tax.

An act to amend the charter of the Hillsborough and Cincinnati railroad company.

An act to authorize subscriptions to the capital stock of the Bellefontaine and Indiana railroad company, by towns and townships on the line of said road.

An act to incorporate the society of Savings, in the city of Cleveland.

An act to authorize the city of Cincinnati to erect a poor house, and for other purposes.

An act prescribing the times of holding the supreme court.

An act to incorporate the New Philadelphia and Cadiz plank road company.

An act to incorporate the Springfield, Black Horse and Northampton turnpike company.

An act to incorporate the Barnesville railroad company.

An act to amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7, 1838, and the acts amendatory thereto.

A resolution relative to the rescinding of tolls on salt.

A resolution relative to waste weirs.

The following bills were read a third time and passed:

H. No. 393; To incorporate the Barnesville and Warren turnpike road company.

H. No. 392; To authorize the sale of school section sixteen, in Wells township, Jefferson county.

The following bills were read a third time:

H. No. 329; To amend the act entitled an act to authorize Nathan Starr to sell and convey certain real estate, the property of the minor heirs of his late wife, Mary W. Starr, passed January 26, 1844.

The question being, "Shall the bill pass?"

Mr. Goddard demanded the yeas and nays thereon; which were ordered and resulted—yeas 17, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Blake, Blocksom, Burns, Claypool, Conklin, Dennison, Emrie, Haines, Hendricks, Horton, Judy, Kendall, Scott, Vinal, Whitman, Worcester and Speaker—17.

Those who voted in the negative, were

Messrs. Ankeny, Baokus, Byers, Chase, Dubbs, Goddard, Myers, Patterson and Swift—9.

So the bill was passed.

H. No. 344; To amend the act entitled an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed Feb. 2, 1843.

The question being on agreeing to the title, it was amended as follows:

Add after the figures 1843, "so far as the same relates to Champaign county."

The title as amended was agreed to.

Ordered that the titles be as aforesaid.

The following bill was read a third time:

H. No. 316; To incorporate the Defiance female seminary, in the county of Defiance.

Mr. Blake moved that the bill be indefinitely postponed, which was agreed to.

On motion of Mr. Burns,

Resolved by the General Assembly of the State of Ohio, That the Governor of the state is hereby requested to make a personal examination into the government and affairs of the Lunatic Asylum, and

the Asylums for the Deaf and Dumb, and for the Blind; and particularly into the system of accountability and manner of keeping the accounts, adopted in each of said institutions. He shall also examine, in relation to the number of teachers and persons employed in said institutions, the duties required of each, and the salaries or compensation paid to them; and he shall report to the trustees of said institutions any changes which he may deem necessary to secure economy and accountability, or which may be otherwise advantageous to the state or to such institutions. He shall also make a detailed report to the next General Assembly of his proceedings under this resolution, with such recommendations as he shall deem proper for their consideration.

Message from the House of Representatives.

Mr. Speaker:

The House has adopted the following joint resolution, in which the concurrence of the Senate is requested:

Relative to authorizing the Clerks of the two houses to complete the records of the two houses.

Attest:

STANLEY MATTHEWS, Clerk.

Said resolution was referred to Mr. Dennison.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate joint resolution,
Relative to the claims of Asa Tylor and others.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. No. 32; Making William Leonidas Davidson the legal heir of William B. Maxey; with amendments.

S. No. 56; To give additional security to land titles in this state, with an amendment.

Attest:

STANLEY MATTHEWS, Clerk.

Said House amendments were severally agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Concerning the Penitentiary.

Attest:

STANLEY MATTHEWS, Clerk.

Said resolution was disagreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate amendments to the following bills:

H. No. 29; To regulate proceedings before justices of the peace.

H. No. 176; To amend an act entitled an act to authorize the city of Dayton to subscribe to the capital stock of certain railroad companies, passed Feb. 8, 1847.

H. No. 236; To amend the act entitled an act for appointing Notaries Public, passed Feb. 7, 1816.

H. No. 304; To incorporate the Cleveland and Twinsburg plank road company.

H. No. 337; To incorporate the town of New Burlington, in the counties of Clinton and Greene.

H. No. 342; To incorporate the Middleport and Rutland plank road company.

H. No. 363; To legalize the surrender of a lease by Luther Shepherd to certain ministerial lands therein named.

The House has agreed to Senate amendments to House joint resolution,

Relative to the number of laws and resolutions to be distributed among the counties of this state.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to the claims of W. A. Platt & Co.

Attest:

STANLEY MATTHEWS, Clerk.

Referred to the committee on Claims.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

S. No. 271; To amend an act to provide for the recording of town plats, passed March 3, 1831.

The House has agreed to Senate amendments to House amendment to S. No. 268, in relation to the state road from Lower Sandusky to Findlay.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House insists upon its disagreement to Senate amendment to the following bill:

H. No. 31; To exempt a homestead from levy and sale on execution.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills :

S. No. 45 ; To lay out and establish a free turnpike road from Sidney to the line of Auglaize county.

S. No. 68 ; To revive and amend the act for the incorporation of the Huron plank road company..

S. No. 74 ; To amend the act entitled an act to incorporate the Medina county Mutual Fire Insurance company.

S. No. 78 ; To incorporate the Lower Sandusky and Sandusky City plank road company.

S. No. 98 ; To incorporate Malta and Putnam plank road company.

S. No. 101 ; To amend the law passed March 2d, 1846, to tax Money Brokers.

S. No. 130 ; To amend the act entitled an act to incorporate the Ripley and Hillsborough turnpike company, passed Feb. 19, 1833.

S. No. 134 ; To amend the act for the appointment of certain officers therein named, passed Feb. 17, 1834.

S. No. 135 ; To amend the act entitled an act relating to Wills, passed March 23, 1840, and for other purposes.

S. No. 136 ; To incorporate the South Charlestown and Washington turnpike company.

S. No. 145 ; To amend the act to authorize Muskingum county and the town of Zanesville, to subscribe to the capital stock of the Central Ohio Railroad.

S. No. 169 ; To repeal a part of a certain act therein named.

S. No. 161 ; Amendatory to the act to provide for the profitable employment of convict labor on the New State House, passed February 24, 1848, and for other purposes.

S. No. 163 ; To repeal the fifth section of an act entitled an act to authorize County Commissioners of this State to lay out and establish State roads.

S. No. 176 ; To amend the act to lay out and establish the Toledo and Port Clinton free turnpike road.

S. No. 171 ; In relation to the old penitentiary lot in the city of Columbus.

S. No. 195 ; To amend the act to incorporate the Cleveland Gaslight and Coke company.

S. No. 221 ; To incorporate the Columbus and Groveport turnpike company.

S. No. 223 ; To authorize the County Auditor of Holmes county to levy additional tax on property in School District No. 9, Hardy township, for school purposes.

S. No. 232 ; To incorporate the Iron Railroad company.

S. No. 238 ; In relation to Coroners' Juries.

S. No. 250 ; To incorporate the Lower Sandusky and Rollersville Plank Road Company.

S. No. 254 ; To extend the limits of the town of Hamilton, and for other purposes.

S. No. 255 ; To incorporate the Four Mile and Seven Mile turnpike company.

S. No. 261 ; To provide for the opening and repair on Roads and Highways, on the line between the States of Pennsylvania and Ohio.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

S. No. 272 ; To incorporate the Defiance and Findlay plank road company, with an amendment.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments were agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the following Senate joint resolution ;

Relative to amending House joint resolution relative to the introduction bills.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following House joint resolution :

Relative to the Public Lands.

Attest:

STANLEY MATTHEWS, Clerk.

Referred to the committee on Public Works and Public Lands.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the following Senate joint resolution :

Relative to the claim of J. R. Scroggs.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Whitman moved that the Senate adjourn.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted yeas 6, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Byers, Dubbs, Emrie, Swift, Whitman and Speaker—6.

Those who voted in the negative, were

Messrs. Archbold, Backus, Blake, Blocksom, Burns, Byers, Chase, Conklin, Demison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Myers, Scott, Vinal and Worcester—18.

So the Senate refused to adjourn.

On motion of Mr. Blake,

So the Senate took a recess until 3 o'clock.

THREE O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Archbold, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Judy, Lewis, Patterson, Swift, Vinal, Whitman, Wilson and Worcester were absent.

On motion,

Messrs. Claypool, Corwin, Evans and Graham were excused.

A quorum appearing,

On motion,

All further proceedings under the call were dispensed with.

Mr. Hendricks offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That the sum of one hundred and forty-seven dollars be paid out of any money in the treasury, not otherwise appropriated, to F. M. Bell, for services rendered as clerk of the committee appointed to investigate and examine the accounts and returns of the collectors of canal tolls on file in the office of the Auditor of State, pursuant to a resolution of the Senate of the 5th day of February, authorizing the appointment of two clerks for the purposes above enumerated.

Referred to the committee on Claims.

On motion of Mr. Blake,

The Senate resolved itself into committee of the whole on the orders of the day, Mr. Burns in the chair, and after some time spent therein, rose and reported back the following bill:

H. No. 130: To fix and apportion the Representation of the General Assembly of the State of Ohio.

Mr. Scott moved a call of the Senate, which was ordered, and Messrs. Archbold, Beaver, Claypool, Corwin, Dimmock, Evans, Ewing, Graham, Swift and Whitman were absent.

On motion,

Messrs. Beaver, Claypool, Corwin, Dimmock, Evans, Ewing and Graham, were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on ordering the bill to a third reading,

Mr. Myers offered the following amendments:

Line 41, strike out the county of "Wood," and insert "Ottawa."

Line 43, strike out "Ottawa," and insert "Wood."

The same gentleman moved a call of the Senate, which was ordered, and Messrs. Blocksom, Claypool, Corwin, Evans, Ewing and Graham were absent.

On motion,

All further proceedings under the call were dispensed with.

The question being on the amendments.

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 15, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbs, Emrie, Myers, Patterson, Scott, Swift, Whitman and Wilson—14.

Those who voted in the negative were

Messrs. Backus, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—15.

So the amendment was disagreed to.

The question turning on ordering the bill to a third reading.

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 15, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Myers, Patterson, Scott, Swift, Whitman and Wilson—15.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—16.

So the Senate refused to order the bill to a third reading.

On motion of Mr. Claypool,

Resolved, That there be allowed to Peter Freadenberger, for his services as wood carrier and fire maker to the Senate, the sum of two dollars per day from the organization of the Senate.

Mr. Vinal, from the committee on Claims, to which was committed House joint resolution relative to the claim of Wm. A. Platt & Co., reported the same back and recommended its adoption; which was agreed to.

Mr. Scott moved to take up the motion to reconsider the vote on House bill No. 382, in relation to tolls on the national road; which was agreed to.

The question being on reconsidering the vote on the indefinite postponement of the bill,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Burns, Byers, Chase, Dennison, Dimmock, Emrie, Myers, Patterson, Scott, Whitman and Wilson—13.

Those who voted in the negative, were

Messrs. Backus, Beaver, Bennett, Blake, Blocksom, Conklin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Worcester and Speaker—17.

So the motion to reconsider was lost.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. No. 34; To amend the act relating to juries.

S. No. 116; To incorporate the Warren and Lake Erie Plank Road company.

S. No. 160; Declaring valid a certain Sheriff's deed therein named.

S. No. 171; To amend the act for the relief of occupying claimants of land.

S. No. 264; To incorporate the Mansfield Female Seminary in the county of Richland.

S. No. 220; To incorporate the Cleveland Mutual Insurance company.

S. No. 202; To incorporate the Cleveland Mutual Insurance company, with an amendment.

S. No. 248; To amend the act authorizing the commissioners of Fairfield county to subscribe stock in a railroad company, passed February 24, 1848, with an amendment.

S. No. 1; To incorporate the Western Reserve Farmer's Insurance company.

S. No. 170; To extend the corporate limits of the town of Portsmouth.

Attest:

STANLEY MATTHEWS, Clerk.

House amendments to S. No. 102 and 248, were agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to the claim of Gere, Abbott, & Co.

Attest:

STANLEY MATTHEWS, Clerk.

Committed to the committee on Claims.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill:

H. No. 289; To amend the act entitled an act to incorporate the Urbana and Columbus Railroad company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and resolutions:

S. No. 37; Prescribing the times of holding the Supreme Courts.

S. No. 76; To incorporate the Lower Sandusky, Tiffin and Fort Ball Plank Road company.

S. No. 133; To incorporate the Springfield, Black Horse and Northampton Turnpike company.

S. No. 142; To authorize the city of Cincinnati to erect a poor house, and for other purposes.

S. No. 158; To authorize the trustees of townships in the county of Union, to levy an additional tax.

S. No. 217; To amend the charter of the Hillsborough and Cincinnati Railroad company.

S. No. 226; To amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of Superintendent, passed March 7, 1838, and the acts amendatory thereto.

S. No. 238; To authorize the Canal Fund Commissioners to exchange certain certificates of the funded debt of the State.

S. No. 239; To incorporate the Society of Savings in the city of Cleveland.

S. No. 242; To incorporate the New Philadelphia and Cadiz Plank Road company.

S. No. 258; To authorize subscriptions to the capital stock of the Bellefontaine and Indiana Railroad company by towns and townships on the line of said road.

S. No. 259; To incorporate the Barnesville Railroad company.

Resolutions,

Relative to waste weirs,

Relative to the rescinding of tolls on salt.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has concurred in the report of the committee of conference relative to the disagreement of the two Houses on House amendment to—

S. No. 131; To amend the act entitled an act to incorporate the Ripley and Hillsborough Turnpike company, passed February 19, 1833.

Attest:

STANLEY MATTHEWS, Clerk,

On motion of Mr. Burns,
The Senate adjourned until 10 o'clock to-morrow.

Attest:

JOHN B. KNAPP, JR., Clerk.

FRIDAY, MARCH 23, 1849.

A call of the Senate was ordered, and Messrs. Backus, Beaver, Claypool, Corwin, Dimmock, Evans, Ewing, Graham, Lewis, Patterson, Swift, Whitman and Worcester were absent.

On motion,

Messrs. Claypool, Corwin, Evans, Ewing, and Graham were excused.

A quorum appearing,

On motion,

All further proceedings under the call were dispensed with.

Mr. Goddard, from the committee on Public Works and Public Lands, to which was committed H. No. 129, to reduce the price of the State canal lands, and to confine the sale thereof in tracts not exceeding one hundred and sixty acres to actual settlers, reported the same back.

Laid on the table.

Mr. Archbold, from the committee on the Judiciary, to which was committed H. No. 199, to amend the act defining the powers and duties of Justices of the Peace and Constables in civil cases, reported the same back with three amendments; which were agreed to.

Said bill was then read a third time and passed.

Ordered that the titles be as aforesaid.

Mr. Hendricks, from the committee on Enrollment, made the following report:

The committee on Enrollment have examined and find correctly enrolled the following acts and resolutions, to wit:

An act in relation to the fees of grand and petit jurors in Cuyahoga county.

An act to amend an act entitled an act to amend an act directing the mode of proceeding in chancery, passed Feb. 21, 1846.

An act in relation to the State road leading from Lower Sandusky to Findley.

An act to incorporate the Bryan Plank Road company.

An act to amend the act incorporating the Chagrin Falls and Cleveland Plank Road company.

An act authorizing the conveyance to William Leonidas Davidson of all the interest in this State arising by escheat in the real and personal estate of William B. Maxey, deceased.

An act to incorporate the Defiance and Findley Plank Road company.

An act to amend the several acts incorporating turnpike companies in this State.

An act to amend an act to provide for the recording of town plats, passed March 3, 1831.

An act to give additional security to land titles in this State.

An act to amend the act to regulate literary and other societies, passed March 11, 1845, and for other purposes.

Resolution relative to appointing an agent and appraisers for the Western Reserve School lands.

Mr. Byers, from the select committee to which was committed House resolution relative to claims against the United States, reported the same back with two amendments, which were agreed to.

Mr. Wilson moved to postpone the resolution until the first Monday in December next.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted—yeas 15, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Bennett, Burns, Byers, Chase, Conklin, Dubbs, Goddard, Haines, Horton, Kendall, Scott, Vinal and Wilson—15.

Those who voted in the negative, were

Messrs. Ankeny, Blake, Blockson, Dennison, Emrie, Hendricks, Judy, Myers, Patterson, Swift, Worcester and Speaker—12.

So the resolution was postponed until the first Monday in December next.

The Speaker laid before the Senate the report of the Governor on the disbursement of the Governor's contingent fund for the year ending Nov. 15, 1848.

(See Vol. Pub. Doc.)

Laid on the table to be printed.

Also, the special report of the commissioners of the library, in answer to Senate resolution relative to the purchase of books for the library.

(See Vol. Pub. Doc.)

Committed to the committee on the Library.

Mr. Goddard, on leave, from the committee on Public Works and Public Lands, to which was committed the communication of the Governor relative to the Miami Canal lands, reported the same back.

Laid on the table to be printed.

Mr. Vinal, on leave, from the committee on Claims, to which was committed Senate resolution relative to paying F. M. Bell, reported the same back with one amendment, which was agreed to as follows :

Resolved by the General Assembly of the State of Ohio, That there be paid to F. M. Bell the sum of one hundred and forty-seven dollars for services rendered as clerk of the committee appointed to investigate and examine the accounts and returns of the collectors of canal tolls on file in the office of the Auditor of State, pursuant to a resolution of the Senate of the 5th day of February, 1849, authorizing the appointment of two clerks for the purpose above mentioned; and that the same be paid out of moneys appropriated for such purposes in the general apportionment bill.

Also, the papers relative to the claim of Messrs. Stephens and G. Walton, for labor done on the Lunatic Asylum, reported the same back and recommended the postponement of the papers until the first Monday in December next; which was agreed to.

Mr. Dennison, from the select committee to which was committed S. No. 224, to repeal the act to lay out and establish the Bennington and Mt. Gilead Free Turnpike Road, reported the same back and recommended the postponement of the same until the first Monday in December next; which was agreed to.

The same gentleman, from the same committee, to which was committed House joint resolution relative to paying the clerk of each House for making an index, &c., reported the same back with amendments, which were agreed to and the resolution adopted.

On motion of Mr. Bennett,

Resolved, by the General Assembly of the State of Ohio, That the thanks of this General Assembly are hereby tendered to the clergymen of this city for their official services during the present session, and that the use of the State library be extended to them during the present year.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and resolutions:

H. No. 191; To amend an act entitled an act to create the office of Attorney General, and to prescribe his duties, passed February 16, 1846, and the acts amendatory thereto.

H. No. 232; To create a special road district in Crawford county.

H. No. 252; To confirm the charter of the Covington and Cincinnati Bridge Company, incorporated by an act of the General Assembly of Kentucky, passed February 17, 1846, with certain limitations.

H. No. 328; To incorporate the Black River and Amherst Plank Road Company.

H. No. 333; To incorporate the Clifton, Cedarville and Jamestown Turnpike Road company.

H. No. 341; To incorporate the Miami and Toledo Plank Road Company.

Resolution relative to the claims of Geo. Shaffer and others.

Resolution relative to the appointment of William M. Corry a trustee for the Miami University.

Resolution relative to the appointment of directors to Lunatic Asylum, &c.

Resolution relative to the claim of John Westwater & Son.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and joint resolutions:

H. No. 216; To authorize the town council of Miamisburg to levy a tax to construct a free turnpike road.

H. No. 224; To provide for the appointment of trustees to minors residing out of this State and having property in the same.

H. No. 228; To incorporate the Mt. Pleasant Academy, in Kingston, Ross county, and in relation to the Hillsborough Academy.

H. No. 247; To extend the corporate limits of the town of Clarrington, in the county of Monroe.

H. No. 272; To amend the act entitled an act to incorporate the Portage county Mutual Fire Insurance Company, passed February 11, 1832.

H. No. 276; To authorize the trustees of Clay township, in the county of Knox, to redistrict said township for school purposes.

H. No. 280; To incorporate the Pickaway county Savings Institute at Circleville.

H. No. 293; To authorize the sale of certain forfeited lands in Wyandott county.

H. No. 298; To amend the act to encourage the organization of fire companies and repeal former acts, passed Feb. 8, 1847.

H. No. 318; To incorporate the Higginsport, Russellville and Eckmansville Turnpike Road company.

H. No. 323; To authorize the Governor to make deeds to certain school lands in Meigs county.

H. No. 334; To incorporate the Warren and Gustavus Plank Road company, in Trumbull county.

H. No. 335; To incorporate the Hamilton and Mason Turnpike Road company.

H. No. 347; To enable corporations on the line of the Cincinnati and Sandusky Telegraph company to subscribe to the stock of said company.

H. No. 365; To incorporate the Rescue Fire Engine Company, No. 1, of the town of Bucyrus, in the county of Crawford.

H. No. 372; To incorporate the Sunfish Railroad company.
H. No. 388; To incorporate the Perrysburgh and Maumee Union Bridge company.

Resolution relative to appointing trustees of the Ohio University.

Resolution relative to the payment of certain claims.

Resolution relative to the Warren county canal.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following resolution, in which the concurrence of the Senate is requested:

Relative to the election of a Major General for the 7th division of Ohio militia.

Attest:

STANLEY MATTHEWS, Clerk.

Resolution agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

S. No. 245; To detach certain sections from Morrow county and attach the same to Richland county.

S. No. 263; To revive the act entitled an act appointing commissioners to lay out and establish a free turnpike road from Eaton to Sugar Valley, in Preble county, passed Feb. 1848.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

H. No. 10; To extend and apply the forms of proceedings in chancery to all cases at common law.

Attest:

STANLEY MATTHEWS, Clerk.

Said bill was read the first time.

Mr. Swift, from the committee on the Currency, to which was committed S. No. 233; To amend the act entitled an act to incorporate the State Bank of Ohio and other banking companies, passed Feb. 24, 1848, reported the same back without recommendation.

Mr. Myers moved a call of the Senate, which was ordered and Messrs. Beaver, Claypool, Cerwin, Dimmock, Evans, Ewing, Graham and Lewis were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the engrossment of the bill,

On motion of Mr. Worcester,

The Senate took a recess.

TWO O'CLOCK, P. M.

The question being on the engrossment of the bill,

Mr. Myers moved a call of the Senate, which was ordered and Messrs. Ankeny, Archbold, Beaver, Corwin, Dimmock, Evans, Ewing, Graham, Hendricks, Lewis and Patterson were absent.

On motion,

Messrs. Beaver and Dimmock were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the engrossment of the bill,

Mr. Myers moved to amend as follows:

Strike out the words "capital stock of," in the 8th line, and insert "bills, notes and other evidences of indebtedness held by said bank on which it receives interest or income."

Also, in the 10th line, strike out "its capital stock," and insert the same amendment as above.

The same gentleman demanded the yeas and nays thereon, which were ordered and resulted yeas 14, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbe, Emrie, Myers, Patterson, Scott, Swift, Whitman and Wilson—14.

Those who voted in the negative, were

Messrs. Backus, Bennett, Blake, Claypool, Conklin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Vinal, Worcester and Speaker—14.

So the amendment was disagreed to.

The question turning on the engrossment of the bill.

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted—yeas 14, nays 14, as follows:

Those who voted in the affirmative were

Messrs. Backus, Bennett, Blake, Claypool, Conklin, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Vinal, Worcester and Speaker—14.

Those who voted in the negative were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dubbe, Emrie, Myers, Patterson, Scott, Swift, Whitman and Wilson—14.

So the Senate refused to engross the bill.

Mr. Beaver, (on leave) from the select committee to which was committed S. No. 3; Granting the unsold and unappropriated lands to actual settlers, with Senate amendments thereto reported the same back.

Committed to the committee on Public lands, &c.

On motion of Mr. Goddard,

H. No. 129 was taken up and committed to the same committee.

On motion of Mr. Whitman,

The vote was reconsidered on agreeing to House amendments to S. No. 248.

The same gentleman moved to amend said House amendments as follows, which was agreed to:

The fact whether a majority of the voters have so voted shall be ascertained by a reference to the number of votes polled at the last Gubernatorial election.

The amendment as amended was agreed to.

Mr. Byers, (on leave) from the select committee to which was committed the special report of the Auditor of State, relative to the Clinton bank, reported the same back.

Also, the special report of the Secretary of State, relative to the purchase of books for the library.

Said reports were laid on the table.

The Speaker laid before the Senate the annual report of the Auditor of State, relative to the surplus revenue for the year 1848.

Also, the special report of the same officer, relative to turnpike companies, in which the state is a stockholder.

Said reports were laid on the table to be printed.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

S. No. 193; To amend an act entitled an act to amend an act directing the mode of proceeding in chancery, passed February 21, 1846.

S. No. 32; Authorizing the conveyance to Wm. Leonidas Davidson of all the interest of this state, arising by escheat in the real and personal estate of Wm. B. Maxey deceased.

S. No. 56; To give additional security to land titles in this state.

S. No. 107; To amend the act to regulate Literary and other societies, passed March 11, 1845, and for other purposes.

S. No. 218; To amend the act incorporating the Chagrin Falls and Cleveland Plank Road Company.

S. No. 243; To amend the several acts incorporating turnpike companies in this state.

S. No. 265; To incorporate the Bryan Plank Road Company.

S. No. 268; In relation to the state road leading from Lower Sandusky to Findley.

S. No. 272; To incorporate the Defiance and Findley Plank Road Company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to the oppressed people of color in the United States.

44—S. J.

The House has also agreed to the following Senate joint resolutions:
Relative to purchasing certain copies of laws and journals.

Relative to the admission of Margaret Scantling into the Lunatic Asylum.

Relative to the examination of the Deaf and Dumb, Lunatic and Blind Asylums.

Attest:

STANLEY MATTHEWS, Clerk.

The question being on agreeing to House joint resolution relative to the oppressed people of color in the United States,

Mr. Burns demanded the yeas and nays thereon, which were ordered, and resulted yeas 20, nays 7, as follows:

Those who voted in the affirmative were

Messrs. Ankeny, Backus, Bennett, Blake, Blocksom, Conklin, Dea-
Wilson, Dubbs, Emrie, Goddard, Haines, Hendricks, Horton, Judy, My-
ers, Swift, Vinal, Wilson Worcester and Speaker—20.

Those who voted in the negative were

Messrs. Archbold, Burns, Byers, Chase, Kendall, Scott and Whit-
man—7.

So the resolution was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to the following Senate joint resolutions:

Relative to taking a vote by the people to amend the constitution of the state.

Relative to claim of F. M. Bell.

The House has agreed to Senate amendments to the following House joint resolutions:

Relative to the claim of Gere, Abbott, & Co.

Relative to authorizing the clerks of the two Houses to complete records of the two Houses.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and joint resolutions:

S. No. 237; In relation to grand and petit juries in Cayahoga county.

S. No. 271; To amend an act to provide for the recording of town plats, passed March 3, 1831.

Resolution relative to appointing an agent and appraisers for Western Reserve school lands.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

S. No. 277; To amend an act entitled "an act fixing the times of holding the courts of Common Pleas in the 11th judicial circuit," passed Feb. 7, 1848.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives,

Mr. Speaker:

The House has agreed to Senate amendments to H. 189; To amend the act defining the powers and duties of Justices of the Peace, and Constables, in civil cases, with an amendment, in which the concurrence of the Senate is requested.

Attest:

STANLEY MATTHEWS, Clerk.

Said House amendment to Senate amendment was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following Senate bills:

S. 256; To punish Judges for appearing as Attorneys in the courts of Justices of the Peace.

S. 273; Relating to certain real estate in Franklinton, Franklin county.

The House has indefinitely postponed the following Senate bill:

S. 253; To amend an act entitled an act regulating judgments and executions, passed April 3, 1837.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bills:

S. No. 181; To incorporate the Evangelical Lutheran Synod of Ohio and adjacent States.

S. No. 189; To authorize the trustees of Marion and Jefferson townships, in the county of Clinton, to borrow money and for other purposes.

S. No. 266; To lay out and establish the Portage Free Turnpike Road, in the county of Wood, with an amendment.

S. No. 115; To repeal so much of the 6th section of the act of January 22d, 1848, entitled an act to provide for the assessment of personal property, and the valuation of new entries and new structures, as requires the county Auditor to enter upon the duplicate of the county the amount of tax levied for road purposes.

H. No. 299; To secure an early distribution and publication of the laws of a general nature.

H. No. 369; To incorporate the Manchester and Bentonville Turnpike company.

Attest:

STANLEY MATTHEWS, Clerk.

S. No. 266, was committed to a select committee of one—Mr. Myers.

H. No. 299, was read the first and second time and committed to a select committee of one—Mr. Goddard.

H. No. 369, was read the first and second time and committed to a select committee of one—Mr. Ankeny.

Message from the House of Representatives.

Mr. Speaker:

The Hall of the House is now ready for the reception of the Senate, for the purpose of going into certain elections pursuant to joint resolution.

Attest:

STANLEY MATTHEWS, Clerk.

On motion of Mr. Kendall,

The members of the Senate, preceded by their Speaker and Clerk, repaired to the Hall of the House of Representatives, and being seated within the bar, in pursuance of a joint resolution previously adopted.

A call of the Senate was ordered and Messrs. Beaver, Blake, Claypool, Corwin, Dimmock, Evans, Ewing, Graham, Haines, Lewis, Myers and Whitman were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The convention proceeded to ballot for one Major General of the 7th Division of Ohio Militia, with the following result:

James Dalsell received.....	27 votes.
Thomas Stockton	34 "
Samuel Medary.....	12 "
Blank.....	1 "

No one having received a majority of all the votes given, the convention proceeded to ballot a second time for one Major General of the 7th Division of the Ohio Militia, with the following result:

Samuel Medary received	13 votes.
Thomas Stockton.....	35 "
James Dalsell	24 "
Blank.....	1 "

No one having received a majority of all the votes given, the convention proceeded to ballot a third time for one Major General of the 7th Division of the Ohio Militia, with the following result:

Samuel Medary received	18 votes.
Thomas Stockton	36 "
James Dalsell.....	20 "

No one having received a majority of all the votes given, the convention proceeded to ballot a fourth time for one Major General of the 7th Division of the Ohio Militia, with the following result:

Samuel Medary received	26 votes.
James Dalzell	11 "
Thomas Stockton	35 "

No one having received a majority of all the votes given, the convention proceeded to ballot a fifth time for one Major General of the 7th Division of the Ohio Militia, with the following result:

George H. Griswold	24 votes.
Thomas Stockton	35 "
Samuel Medary	11 "
Blanks	2 "

No one having received a majority of all the votes given, the convention proceeded to ballot a sixth time for one Major General of the 7th Division of the Ohio Militia, with the following result:

George H. Griswold received	14 votes.
Thomas Stockton	37 "
Henry C. Whitman	17 "
Blanks	5 "

Thomas Stockton having received a majority of all the votes given, was, by the Speaker of the Senate, in the presence of the members of both Houses, declared duly elected Major General of the 7th Division of the Ohio Militia, for the legal term of six years, from and after the 23d day of March, 1849.

The Senate then retired to their chamber.

Mr. Ankeny, on leave, from the select committee to which was committed H. No. 369; To incorporate the Manchester and Bentonville Turnpike company, reported the same back.

Ordered to be read a third time to-morrow.

On motion of Mr. Byers,

The Senate adjourned until 10 o'clock to-morrow.

Attest: JOHN R. KNAPP, Jr., Clerk.

SATURDAY, MARCH 24, 1849.

Mr. Goddard, from the committee on public works and public lands, to which was committed S. No. 3; Granting to actual settlers the un-

sold and unappropriated lands belonging to the State of Ohio, with Senate amendments thereto, reported the same back and recommended the postponement of the same until the 1st Monday in December next, which was agreed to.

Also H. No. 129; To reduce the price of the State canal lands, and to confine the sale thereof in tracts not exceeding one hundred and sixty acres to actual settlers, reported the same back with the same recommendation, which was agreed to.

The same gentlemen, from the select committee to which was committed H. No. 299; To secure an early distribution and publication of the laws of a general nature, reported the same back, and recommended its being ordered to a third reading. The bill was read a third time.

The question being "shall the bill pass?"

Mr. Myers demanded the yeas and nays thereon, which were ordered and resulted yeas 26, nays 1, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Blake, Blocksum, Burns, Byers, Chase, Conklin, Dennison, Dubbs, Emrie, Goddard, Haines, Hendricks, Horton, Kendall, Lewis, Patterson, Scott, Swift, Vinal, Whitman, Wilson, Worcester and Speaker—26.

Those who voted in the negative, were

Mr. Myers—1.

So the bill was passed.

Ordered that the title be as aforesaid.

Mr. Beaver offered for adoption the following:

Resolved by the General Assembly of the State of Ohio, That the sum of three hundred and fifty dollars is hereby allowed and appropriated out of any moneys in the State Treasury not otherwise appropriated, for the payment of witnesses and mileage for attendance before the committees of privileges and elections, and of investigation into the manner of the passage of the apportionment law and other purposes, submitted to those committees respectively, by the General Assembly, that the Speaker of the Senate shall audit and certify the amount due such witnesses for clerk hire in relation to same; but the fees, mileage and clerk hire shall in no case exceed that allowed per diem, to members of the General Assembly, and that the amount so allowed be paid out of moneys appropriated for such purposes in the general appropriation bill.

Committed to a select committee of one—Mr. Goddard.

Mr. Backus, from the majority of the select on the subject, made the following report, which was agreed to:

The majority of the select committee to whom was referred the resolution directing the Attorney General to institute proceedings in the nature of *quo warranto* against the Canal Bank of Cleveland, have had the same under consideration, and now respectfully report:

That whatever opinion might be entertained as to the soundness of

said Bank, in consequence of the crude, conjectural and manifestly uncandid report of the special commissioner, S. F. Taylor, Esq., who was appointed to examine the same in the month of January last. Your committee are satisfied, from the subsequent quarterly statement of said bank; and more especially from the report of the commissioner since appointed, Reuben Hitchcock, Esq., who, in pursuance of his instructions, has made a most thorough investigation of the condition of said bank; that the same is entirely solvent, and has abundant means to meet all its liabilities to the public, and is entitled to the confidence of community.

Your committee therefore ask to be discharged from the further consideration of said resolution; and recommend that the same be indefinitely postponed.

Message from the House of Representatives.

Mr. Speaker:

The House requests the return of H. No. 31, To exempt a homestead from levy and sale on execution.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Chase moved that the bill be returned to the House of Representatives.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 12, nays 16, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Blake, Chase, Dubbs, Emrie, Hendricks, Lewis, Scott, Whitman, Wilson and Worcester—12.

Those who voted in the negative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Claypool, Conklin, Goddard, Haines, Horton, Judy, Kendall, Myers, Patterson, Swift, Vinal and Speaker—16.

So the Senate refused to return the bill.

Mr. Backus on leave, from the committee on finance to which was committed the special report of the Auditor of State relative to state stocks or bonds, reported the same back.

Laid on the table to be printed.

Mr. Myers, from the select committee appointed to examine into the accounts and returns of the collectors upon the state canals, made the following report.

(See Appendix, p. 315.)

Laid on the table to be printed.

Mr. Goddard, from the select committee to which was committed the resolution relative to paying fees and mileage to witnesses before certain committees of the Senate, reported the same back with the following amendment, which was agreed to:

Resolved, by the Senate and House of Representatives, That the Speaker of the Senate audit the amounts of witnesses and clerk hire, and expense of messengers, incurred by the Senate standing committee on privileges and elections, and the Senate select committee appointed to investigate the manner in which the apportionment bill was passed at the last session; and that the several amounts so allowed be paid on the certificate of the Speaker of the Senate out of moneys appropriated for similar purposes, in the act of the present session, making appropriations for the year 1849.

Mr. Byers, from the select committee to which was committed H. No. 350; To alter the plat of the village of Sullivan, in Ashland county, reported the same back, and recommended its indefinite postponement, which was agreed to.

Mr. Blake offered for adoption the following resolution:

Resolved by the General Assembly of the State of Ohio, That Ebenezzer Lane, Henry C. Whitman and John C. Vaughn be and they are hereby appointed to revise the school laws of this state, and report to the next General Assembly.

Mr. Scott moved a call of the Senate, which was ordered and Messrs. Bennett, Corwin, Dimmock, Evans, Ewing, Graham and Judy were absent.

On motion,

All further proceedings under the call were dispensed with.

The question being on the adoption of the resolution,

Mr. Myers moved to strike out "John C. Vaughn," and insert "Hesekiah D. Mason."

Mr. Archbold moved to insert the name of William Kennon, Sr.

Mr. Blake called for a division.

The question being on striking out, was lost.

The question turned on the adoption of the resolution.

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 23, nays 5, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Blake, Blocksom, Byers, Chase, Conklin, Dennison, Dimmock, Dubbs, Emrie, Goddard, Haines, Hendricks, Judy, Lewis, Patterson, Swift, Vinal, Wilson, Worcester and Speaker—23.

Those who voted in the negative, were

Messrs. Burns, Horton, Kendall, Myers and Scott—5.

So the resolution was agreed to.

Mr. Goddard, from the committee on public works and public lands to which was committed House joint resolution relative to the public lands, reported the same back, and recommended that the same be postponed until the first Monday in December next, which was agreed to.

Mr. Archbold, from the committee on the judiciary to which was committed H. No. 390; To authorize John J. Higgins, guardian to the

minor heirs of Thomas L. Hamer, to convey real estate to Katharine M. Hamer, reported the same back and recommended its indefinite postponement. Agreed to.

Also H. No. 227; Amendatory of the act entitled an act supplementary to the act pointing out the mode of levying taxes, passed Feb. 12, 1841, reported the same back and recommended its postponement until the first Monday in December next, which was agreed to.

The following bill was read the second time:

H. No. 10; To extend and apply the forms of proceeding in chancery to all cases at common law.

On motion of Mr. Goddard,

The bill was postponed until the first Monday in December next.

The following bill was read the third time and passed:

H. No. 369; To incorporate the Manchester and Bentonville turnpike company.

Ordered that the title be as aforesaid.

The Speaker laid before the Senate the annual report of the Auditor's contingent fund, for the year ending 15th November, 1848.

(See Pub. Doc.)

Laid on the table to be printed.

Message from the House of Representatives:

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and joint resolutions:

H. No. 262; To amend the act to incorporate the Mad River and Great Miami Rail Road company.

H. No. 304; To incorporate the Cleveland and Twinsburgh Plank Road company.

H. No. 319; To amend the charter of the City of Ohio.

H. No. 333; To incorporate the Methodist Episcopal Church in Tarlton, Pickaway county.

H. No. 348; Incorporating the Ohio Iron and Coal company.

H. No. 379; In relation to the new Canal in the city of Dayton.

H. No. 331; To incorporate the Cuyahoga Falls Plank Road company.

H. No. 383; To authorize the town Council of the town of Akron, to levy a tax to liquidate the debts due from said town.

H. No. 357; To amend the act entitled an act to repeal the act entitled an act, for the support and better regulation of common schools, in school number one in Ravenna township, and for other purposes.

H. No. 332; To authorize the sale of school section sixteen in Wills township, Jefferson county.

H. No. 394; To incorporate the town of Spring Hills, in the county of Champaign.

Resolutions relative to Governor's salary.

Fixing the number of copies of the laws, general and local, and resolutions passed at the present session, and of the journals of the House, distributable to the several counties of the State, and for other purposes.

Relative to the number of journals, laws, &c., sent to the several counties of this State.

Relative to a day of thanksgiving.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bills:

S. No. 209; To amend the act entitled an act regulating judgments and executions, passed March 1, 1831.

S. No. 240; Recognizing the New Orleans and Ohio Telegraph company, as a body politic within the State of Ohio.

The House has agreed to Senate amendments to House amendment to S. No. 248, to amend the act authorizing the Commissioners of Fairfield county, to subscribe stock in a Rail Road company, passed February 24, 1848.

The House has agreed to Senate amendments to H. No. 344, to amend the act entitled an act, to regulate the sale of Ministerial school lands, and the surrender of permanent leases thereto, passed February 2, 1843.

The House refuses to pass S. No. 15, to amend the act entitled an act to abolish imprisonment for debt, passed March 19, 1838.

The House has passed Senate joint resolution relative to thanks to Clergymen of Columbus.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bill.

S. No. 270; To provide for the taxation of the Little Miami Rail Road Company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has passed the following bill:

H. No. 389; To incorporate the First Associate Reformed Church and Society, in the town of Wellsville, county of Columbia.

Attest:

STANLEY MATTHEWS, Clerk.

Said House bill was read the first time.

The constitutional rule was dispensed with, and said bill was read the second and third time and passed.

Ordered that the title be as aforesaid.

On motion of Mr. Goddard.

The Senate took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Archbold, Beaver, Bennett, Chase, Claypool, Corwin, Dimmock, Dubbs, Evans, Ewing, Graham, Hendricks, Judy, Patterson and Whitman, were absent.

A quorum appearing,

On motion,

All further proceedings under the call were dispensed with.

Mr. Hendricks, from the committee on enrollment, reported the following bills as duly enrolled:

An act to incorporate the Western Reserve Farmers' Insurance company.

An act to incorporate the Mansfield Female Seminary, in the county of Richland.

An act to amend the act entitled an act to incorporate the Milford & Chillicothe turnpike road company, passed February 11, 1832.

An act to lay out and establish the Portage free turnpike road, in the county of Wood.

An act to incorporate the Warren and Lake Erie plank road company.

An act to revive the act entitled an act appointing commissioners to lay out and establish a free turnpike road from Eaton to Sugar Valley, in Preble county.

An act to amend the act relating to juries.

An act to extend the corporation limits of the town of Portsmouth.

An act to amend an act for the relief of occupying claimants of land.

An act declaring valid a certain Sheriff's deed therein named.

An act to detach certain sections from Morrow county and attach the same to Ashland county.

An act to amend the act authorizing the commissioners of Fairfield county to subscribe stock in a railroad company, passed February 24, 1848.

Mr. Ankeny moved to reconsider the vote on House bill 227: Amendatory of the act entitled an act supplementary to the act pointing out the mode of levying taxes, passed February 12, 1841, said bill having been postponed until the first Monday in December next.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 7, nays 21, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Blocksom, Burns, Byers, Dimmock, Patterson and Scott—7.

Those who voted in the negative, were

Messrs. Archbold, Backus, Blake, Chase, Conklin, Dennison, Emrie, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Swift, Vinal, Wilson, Worcester and Speaker—21.

So the Senate refused to reconsider the vote.

Mr. Wilson moved to reconsider the vote on the indefinite postponement of House joint resolution relative to the Governor appointing an

agent to examine into the amount of lands belonging to the State of Ohio.

Mr. Goddard demanded the yeas and nays thereon which were ordered and resulted—yeas 15, nays 12, as follows :

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Blake, Blocksom, Dennison, Dimmock, Emrie, Hendricks, Lewis, Myers, Patterson, Swift, Wilson, Worcester and Speaker—15.

Those who voted in the negative, were

Messrs. Backus, Burns, Byers, Chase, Conklin, Goddard, Haines, Horton, Judy, Kendall, Scott and Vinal—12.

So the vote was reconsidered.

Mr. Ankeny moved to amend the resolution as follows, which was agreed to.

Resolved by the General Assembly of the State of Ohio, That the Governor is hereby authorized to appoint an agent, if in his judgment he deems it necessary, to make a revised settlement upon principles not hitherto preferred by the State under the several acts of Congress, granting lands to the State of Ohio, and under treaty stipulations, for the purpose of aiding in the construction of the State canals, and to obtain the confirmation and acknowledgment, from the proper officers of the United States, of the title of the State to all the lands to which it is entitled under said acts, and that the Governor shall allow said agent such compensation for his services as may be reasonable, not exceeding five per cent. upon the value of the additional amount of lands and money that he shall obtain for the State upon such principles as have not hitherto been preferred by the State.

The question being on agreeing to the resolution as amended,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Blake, Dennison, Hendricks, Myers, Patterson, Swift, Whitman, Wilson, Worcester and Speaker—13.

Those who voted in the negative, were

Messrs. Backus, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Dubbs, Emrie, Goddard, Haines, Horton, Judy, Kendall, Lewis, Scott and Vinal—17.

So the resolution was disagreed to.

Mr. Claypool offered for adoption the following:

Resolved, That the Speaker of the Senate be, and is hereby authorized to audit and allow the accounts of six assistant clerks from the commencement of the present session, and also to John Cook the time not allowed.

Mr. Byers moved to lay the resolution on the table.

The same gentleman demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Byers, Chase, Dennison, Goddard, Haines, Horton, Judy, Kendall, Myers, Scott, Swift, Vinal and Worcester—14.

Those who voted in the negative, were

Messrs. Ankeny, Blake, Blocksom, Burns, Claypool, Dubbs, Emrie, Hendricks, Lewis, Patterson, Whitman and Wilson—12.

So the motion prevailed.

On motion of Mr. Hendricks,

Resolved, That the receipts of the Secretary of State for enrolled bills and resolutions, be published together in the Appendix to the Senate Journals.

On motion of Mr. Goddard,

Mr. Durbin had leave to withdraw his paper concerning a certain claim.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested;

Relative to slavery and the slave trade in the District of Columbia.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Burns moved to lay said resolution on the table.

On which motion,

Mr. Byers demanded the yeas and nays, which were ordered, and resulted yeas 13, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Burns, Byers, Chase, Dubbs, Goddard, Judy, Kendall, Patterson, Scott and Whitman—13.

Those who voted in the negative, were

Messrs. Ankeny, Blake, Dennison, Emrie, Haines, Hendricks, Horton, Myers, Swift, Wilson, Worcester and Speaker—12.

So the motion prevailed.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and joint resolution:

An act to lay out and establish the Portage free turnpike road, in the county of Wood.

An act to incorporate the Western Reserve Farmers' Insurance company.

An act to incorporate the Mansfield Female Seminary, in the county of Richland.

An act to amend the act entitled an act to incorporate the Milford & Chillicothe turnpike road company, passed February 11, 1832.

An act to incorporate the Warren & Lake Erie plank road company.

An act to revive the act entitled an act appointing commissioners to lay out and establish a free turnpike road from Eaton to Sugar Valley in Preble county, passed February 1848.

An act to amend the act relating to juries.

An act to extend the corporate limits of the town of Portsmouth.

An act to amend an act for the relief of occupying claimants of land.

An act declaring valid a certain Sheriff's deed therein named.

An act to detach certain sections from Morrow county and attach them to Richland county.

Resolution relative to the admission of Margaret Scamling into the Lunatic Asylum.

Attest:

SEAMUS MATTHEWS, Clerk.

Mr. Whitman offered the following for adoption:

Resolved, That there be paid to Joseph Roberts, William Mitchell, Joseph Ferrill and John T. Blain, who have been employed as assistant clerks from Friday the 8th day of December, 1848, three dollars per day to the day of adjournment.

To Peter Greene, three dollars per day for 32 days, the time he was employed as assistant clerk.

To William H. Gill three dollars per day for 27 days, being the time he was employed as assistant clerk.

To William Bacon, nine days at three dollars per day, the time he was employed as assistant clerk.

To Bewell Bushnell, and C. G. Taggart, three dollars per day from the first day of January, they having been since that time employed as assistant clerks; and that the Speaker of the Senate audit and certify their accounts accordingly.

The question being on the passage of the resolution,

Mr. Byers demanded the yeas and nays thereon, which were ordered and resulted—yeas 22, nays 6, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Denison, Dimmock, Dubbs, Emrie, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Swift, Vinal, Whitman, Wilson and Worcester—22.

Those who voted in the negative, were

Messrs. Ankeny, Burns, Byers, Chase, Goddard and Scott—6.

So the resolution was agreed to.

Mr. Beaver, from the majority of the committee appointed to investigate the manner in which the apportionment law was passed, made the following report:

(See Appendix page 177.)

Mr. Dimmock, from the minority of the same committee made the following report:

(See Appendix page 189.)

Said report, together with the testimony, were laid on the table and ordered to be printed.

Mr. Swift moved to take up House resolution relative to slavery.

The question being on taking up the resolution,

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 16, nays 14, as follows:

Those who voted in the affirmative, were

Messrs. Beaver, Bennett, Blake, Blocksom, Dennison, Emrie, Haines, Hendricks, Horton, Lewis, Myers, Swift, Whitman, Wilson, Worcester and Speaker—16.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Backus, Burns, Byers, Chase, Dimmock, Dubbs, Goddard, Judy, Kendall, Patterson, Scott and Vinal—14.

So the resolution was taken up.

Mr. Goddard moved to postpone the same until the 1st Monday of December next.

The same gentleman demanded a call of the Senate which was ordered, and Messrs. Blocksom, Claypool, Conklin, Corwin, Evans, Ewing and Graham, were absent.

Mr. Worcester moved that Mr. Claypool be excused.

Mr. Goddard demanded the yeas and nays thereon, which were ordered and resulted—yeas 18, nays 11, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Blake, Byers, Chase, Dimmock, Emrie, Haines, Hendricks, Horton, Judy, Lewis, Myers, Scott, Swift, Wilson, Worcester and Speaker—18.

Those who voted in the negative, were

Messrs. Archbold, Backus, Blocksom, Burns, Dennison, Dubbs, Goddard, Kendall, Patterson, Vinal and Whitman—11.

So the motion was agreed to.

On motion,

All further proceedings under the call were dispensed with.

The question turning on postponing the resolution until the 1st Monday of December.

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted—yeas 15, nays 18, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Bennett, Blocksom, Burns, Byers, Chase, Claypool, Dubbs, Goddard, Judy, Kendall, Patterson, Scott, Vinal and Whitman—15.

Those who voted in the negative, were

Messrs. Ankeny, Backus, Beaver, Blake, Claypool, Conklin, Dennison, Dimmock, Emrie, Haines, Hendricks, Horton, Lewis, Myers, Swift, Wilson, Worcester and Speaker—18.

So the motion was lost.

The question then turned on the adoption of the resolution.

Mr. Emrie moved to amend by inserting the following words immediately before the words "our Representatives," in the second resolution:

"Our Senators in Congress be instructed and"

Also, amend by striking out the words in second resolution "in Congress," where they occur after the word "Representatives," add "Senators" after Representatives in the last resolution.

Mr. Wilson moved to amend as follows:

Add after the second resolution the following: "Or remove the capital from slave, to free territory."

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted—yeas 9, nays 23, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Beaver, Chase, Dimmock, Emrie, Myers, Swift, Wilson and Worcester—9.

Those who voted in the negative, were

Messrs. Archbold, Backus, Blake, Blocksom, Bennett, Burns, Byers, Claypool, Conklin, Dennison, Dubbs, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Patterson, Scott, Vinal, Whitman and Speaker—23.

So the amendment was lost.

Mr. Burns offered the following for adoption, to come in at the end of the resolution:

And also to the President of the United States.

The question being on the adoption of the amendment,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted, yeas 12, nays 20, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Myers, Patterson, Scott and Whitman—12.

Those who voted in the negative, were

Messrs. Backus, Beaver, Blake, Blocksom, Bennett, Claypool, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal, Wilson, Worcester and Speaker—20.

So the amendment was lost.

The question turning on the passage of the resolution,

Mr. Dennison moved the adoption of the following:

Strike out all after "Ohio," and insert—

"That our Senators and Representatives in Congress be requested to use all constitutional means for the abolition of slavery in the District of Columbia.

Resolved, That the Governor be and he is hereby requested to communicate the foregoing resolution to each of our Senators and Representatives.

Mr. Whitman moved to strike out the word "request," and insert "instruct our Senators and request our Representatives;" which was agreed to.

The question being on agreeing to the amendment,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 22, nays 8, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Bennett, Burns, Chase, Conklin, Dennison, Dimmock, Dubbs, Emrie, Goddard, Haines, Hendricks, Kendall, Lewis, Patterson, Scott, Vinal, Whitman, Wilson and Worcester—22.

Those who voted in the negative, were

Messrs. Beaver, Blake, Blocksom, Horton, Judy, Myers, Swift and Speaker—8.

So the amendment was agreed to.

The question turning on the adoption of the resolution as amended,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 21, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Backus, Beaver, Bennett, Blake, Chase, Conklin, Dennison, Dimmock, Dubbs, Emrie, Goddard, Haines, Hendricks, Horton, Lewis, Myers, Swift, Vinal, Wilson, Worcester and Speaker—21.

Those who voted in the negative, were

Messrs. Archbold, Blocksom, Burns, Byers, Goddard, Judy, Kendall, Patterson, Scott and Whitman—10.

So the resolution as amended was agreed to.

Mr. Ankeny offered the following for adoption:

Resolved, That the Speaker of the Senate is hereby requested to certify and audit the services of the Sergeant-at-arms of the Senate, and his assistants, upon the same principles as that of the assistant Clerks, for the time actually employed.

Mr. Byers moved to lay the resolution on the table.

Mr. Ankeny demanded the yeas and nays thereon, which were ordered, and resulted yeas 20, nays 10, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Beaver, Bennett, Blake, Blocksom,

Burns, Byers, Chase, Dennison, Goddard, Haines, Harton, Joly, Kendall, Lewis, Scott, Vinal, Whitman and Worcester—29.

Those who voted in the negative, were

Messrs. Ankeny, Dimmock, Dubbs, Emrie, Hendricks, Myers, Patterson, Swift, Wilson and Speaker—10.

So the motion prevailed.

On motion of Mr. Goddard,

The Senate took a recess until half past 7 o'clock P. M.

SEVEN AND A HALF O'CLOCK, P. M.

Mr. Goddard moved a call of the Senate, which was ordered, and Messrs. Claypool, Corwin, Ewing, Evans, Graham and Judy were absent.

On motion,

They were excused,

On motion,

All further proceedings under the call were dispensed with.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills:

H. No. 248; To amend the act authorizing the Commissioners of Fairfield county to subscribe stock in a Railroad company, passed February 24, 1848.

H. No. 292; To amend the act entitled an act to regulate public shows, passed February 28, 1831.

H. No. 308; To incorporate the Geauga Plank Road company.

H. No. 329; To amend the act entitled an act to authorize Nathan Starr to sell and convey certain real estate, the property of the minor heirs of his late wife Mary W. Starr, passed January 26, 1844.

H. No. 330; To incorporate the Akron Plank Road company.

H. No. 337; To incorporate the town of New Burlington in the counties of Clinton and Green.

H. No. 342; To incorporate the Middleport and Rutland Plank Road company.

H. No. 349; To amend the act entitled an act to incorporate the St. Paris, Elizabethtown, Fletcher, Piqua and Covington Turnpike company, passed March 9, 1839.

H. No. 356; To incorporate the New Richmond and Bethel Turnpike Road company.

H. No. 357; To repeal the provisions of an act passed February 14, 1848, entitled an act for the support and better regulation of common schools in the town of Akron.

H. No. 364; To incorporate the Dayton, Shakersville and Xenia Turnpike company.

H. No. 374; To amend the act entitled an act to incorporate the proprietors of the Cemetery of Spring Grove, passed January 21, 1845.

H. No. 343; To incorporate the Barnesville and Warren Turnpike Road company.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to the following Senate joint resolution:

Relative to paying witnesses before certain committees of the Senate.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Bennett, from the committee on Medical Colleges and Societies, to which was referred the annual report of the Medical College of Cincinnati, reported the same back.

Laid on the table and ordered to be printed.

(See Vol. Pub. Doc.)

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following joint resolution, in which the concurrence of the Senate is requested:

Relative to the claim of Orson Fuller.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Goddard moved that the resolution be referred to the standing committee on Claims: Lost.

Mr. Dennison renewed the motion, and the same was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following Senate joint resolution with amendments:

Relative to revising the school laws.

Attest:

STANLEY MATTHEWS, Clerk.

The question being on agreeing to House amendments,
A call of the Senate was ordered, and Messrs. Beaver, Bennett, Blocksom and Lewis were absent.

On motion,

All further proceedings under the call were dispensed with.
House amendments were disagreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to Senate amendment to House resolution,

Relative to the abolition of slavery in the District of Columbia.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Claypool offered for adoption the following:

Resolved, That we return our thanks to the Speaker for the faithful, impartial and dignified manner in which he has presided over the deliberations of this Senate, during the present session of this General Assembly.

The question being on agreeing to the resolution,

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted yeas 16, nays 9, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Vinal and Worcester—16.

Those who voted in the negative, were

Messrs. Ankeny, Blockson, Burns, Byers, Chase, Dimmock, Dubbs, Scott and Whitman—9.

So the resolution was agreed to.

On motion of Mr. Claypool,

Resolved, That the thanks of this Senate are hereby tendered to the Clerk, Sergeant-at-Arms and their assistants for the diligent and faithful discharge of their duties of their respective stations, during the present session.

Mr. Vinal, from the committee on Claims; to which was referred the claim of O. Fuller, reported the same back with one amendment, which was agreed to.

The question being on the adoption of the resolution as amended,

Mr. Goddard moved to postpone the same until the first Monday of December next. Lost.

The question being on agreeing to the resolution,

Mr. Scott demanded the yeas and nays thereon, which were ordered, and resulted yeas 24, nays 7, as follows.

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Beaver, Bennett, Blake, Blockson, Chase, Conklin, Dennison, Dimmock, Dubbs, Emrie, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Patterson, Vinal, Whitman, Worcester and Speaker—24.

Those who voted in the negative, were

Messrs. Backus, Burns, Byers, Goddard, Myers, Scott and Wilson—7.

So the resolution was agreed to.

Mr. Dennison presented the memorial of Wm. Bacon, for services rendered as Clerk.

Referred to the committee on Claims.

Mr. Burns moved to take up the reports of the standing committee on Privileges and Elections. Agreed to.

The same gentleman moved to strike out the resolution reported by the majority of the committee, and insert the following:

Resolved, That Valentine Chase was, on the 10th day of October, A. D. 1848, elected a Senator in the General Assembly of the State of Ohio, for the county of Butler, for the constitutional term of two years from and after said 10th day of October, A. D. 1848, and that said Valentine Chase was, at the time of his election, to wit, on the 10th day of October, A. D. 1848, constitutionally eligible to hold the office to which he was, on the 10th day aforesaid, elected.

The question being on agreeing to the resolution,

Mr. Backus moved to postpone the reports and pending resolution until the first Monday of December next.

The same gentleman moved a call of the Senate, and Messrs. Bennett, Corwin, Evans, Ewing, Graham and Hendricks were absent.

On motion,

The above named Senators were excused.

Also, Mr. Whitman.

On motion,

All further proceedings under the call were dispensed with.

The question being on agreeing to the motion to postpone,

Mr. Backus demanded the yeas and nays thereon, which were ordered, and resulted yeas 14, nays 13, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Dennison, Goddard, Haines, Horton, Judy, Kendall, Lewis, Vinal, Worcester and Speaker—14.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Dimmock, Dubbs, Emrie, Myers, Patterson, Scott, Swift and Wilson—13.

So the motion prevailed.

On motion of Mr. Worcester,

Resolved, That the committee on Printing be directed to procure the copies of the agricultural reports ordered to be printed by the Senate, to be bound in colored paper covers, in the same manner as those ordered by the House.

Mr. Vinal, from the committee on Claims, reported back the memorial of Wm. Bacon and asked to be discharged from the further consideration of the subject, and that the memorialist have leave to withdraw his memorial, which was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House insists on its amendment to Senate resolution relative to appointing a committee to revise the school laws of the state.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Goddard moved that a message be sent to the House informing them that the Senate insists on its disagreement, and asks for a committee of conference. Agreed to.

Message from the House of Representatives:

Mr. Speaker:

The House has agreed to Senate amendment to House resolution relative to the claim of Orin Fuller.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and resolutions:

H. No. 299; To secure an early distribution and publication of the laws of a general nature.

H. No. 238; To amend the act entitled an act for appointing notaries public, passed Feb. 7, 1816.

H. No. 29; To regulate proceedings before Justices of the Peace.

H. No. 324; Further to amend the act entitled an act to incorporate the town of Fairport, passed March 1, 1836.

H. No 175; To amend an act entitled an act to authorize the city of Dayton to subscribe to the capital stock of certain railroad companies, passed Feb. 8, 1847.

H. No. 199; To amend the act defining the powers and duties of Justices of the Peace.

H. No. 344; To amend the act entitled an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, passed Feb. 2, 1843.

H. No. 353; To legalize the surrender of a lease by Luther Shepard to certain ministerial lands therein named, and to authorize the sale of school section 16, in Goshen township, Lucas county.

H. No. 366; To authorize the trustees of Berne township, Athens county, to lease certain school lands therein named.

H. No. 369; To incorporate the Manchester and Bentonville Turnpike company.

H. No. 371; To authorize the city council of Cincinnati to levy an additional tax in aid of the disabled firemen's fund.

H. No. 389; To incorporate the First Associate Reform Church and Society in the town of Wellsville, county of Columbiana.

Resolution relative to the oppressed people of color in the United States.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and resolutions:

S. No. 159; To authorize the trustees of Marion and Jefferson townships, in the county of Clinton, to borrow money and for other purposes.

S. No. 102; To incorporate the Cleveland mutual insurance company.

S. No. 181; To incorporate the Evangelical Lutheran Synod of Ohio, and adjacent states.

S. No. 209; To amend an act entitled an act regulating judgments and executions, passed March 1, 1831.

S. No. 220; To incorporate the Columbus and Worthington plank road company.

S. No. 256; To punish judges for appearing as attorneys in courts of justices of the peace.

S. No. 270; To provide for the taxation of the Little Miami railroad company.

S. No. 273; Relating to certain real estate in Franklinton, Franklin county.

Resolution relative to purchasing certain copies of laws and journals.

Resolution relative to taking a vote by the people to amend the constitution of the state.

Resolution relative to the examination of the Deaf and Dumb and Lunatic Asylums.

Attest:

STANLEY MATTHEWS, Clerk.

Mr. Hendricks, from the committee on Enrollment, made the following report.

The committee on Enrollment reports that the committee have examined, and found duly enrolled, the following acts and resolution, to wit:

An act to incorporate the Cleveland mutual insurance company.

An act relating to certain real estate in Franklinton, Franklin county.

An act to amend an act entitled an act regulating judgments and executions.

An act to punish judges for appearing as attorneys in the courts of justices of the peace.

An act to provide for the taxation of the Little Miami railroad company.

An act to incorporate the Columbus and Worthington plank road or turnpike company.

An act to authorize the trustees of Marion and Jefferson townships, in the county of Clermont, to borrow money, and for other purposes.

An act to incorporate the Evangelical Lutheran Synod of Ohio, and adjacent states.

Senate joint resolution relative to taking a vote by the people to amend the constitution of the state.

Senate resolution relative to the examination of the Deaf and Dumb, Lunatic and Blind Asylums.

Senate joint resolution relative to purchasing certain copies of laws and journals.

An act to amend an act entitled an act fixing the times of holding the courts of common pleas in 11th judicial circuit, passed February 7, 1848.

An act to repeal so much of the 5th section of the act of January 22, 1848, entitled an act to provide for the assessment of personal property, and the valuation of new entries and new structures, as requires the county Auditor to enter upon the duplicate of the county, the amount of tax levied for road purposes.

An act recognizing the New Orleans and Ohio Telegraph company as a body corporate and politic, within the state of Ohio.

On motion of Mr. Vinal,

The Senate adjourned until 4 o'clock Monday morning.

Attest:

JOHN R. KNAPP, Jr., Clerk.

MONDAY, MARCH 26, 1849.

FOUR O'CLOCK A. M.

A call of the Senate was moved, which was ordered and Messrs. Ankeny, Backus, Bennett, Blake, Blocksom, Conklin, Corwin, Dubbs, Evans, Ewing, Graham, Horton, Kendall, Vinal, Wilson and Worcester were absent.

On motion,

Messrs. Ankeny, Bennett, Blocksom, Corwin, Evans, Ewing and Graham were excused.

A quorum appearing,

On motion,

All further proceedings under the call were dispensed with.

On motion of Mr. Emrie,

The rules were suspended for the purpose of introducing the following bill:

S. No. 278; To render practicable the provisions of the act to authorize the commissioners of Highland county to subscribe to the capital stock of the Hillsborough and Cincinnati railroad company.

Said bill was read the first time.

The constitutional rule was dispensed with and said bill was read the second and third time, and passed.

Ordered that the title be as aforesaid.

Mr. Whitman offered for adoption the following:

Resolved, That John Kershaw and Robert Woodrow be and they hereby are appointed to superintend the printing of three thousand extra copies of the majority and minority reports of the select committee appointed to enquire into the manner of the passage of Senate Bill No. 70 of the last session. That said reports, with the evidence accompanying the same, be stitched together in one pamphlet. That they correct the proof; and that they forward to each Senator his due proportion by the earliest and most practicable or private conveyance, or have them forwarded with the laws and journals, if they deem it the most practicable.

That said Kershaw and Woodrow be allowed two dollars per day during the time they are occupied in said duties; and that the Auditor of State be and he is hereby authorized to pay the sum out of any moneys appropriated for legislative purposes: *Provided*, That said superintending committee shall not be paid for more than five days services.

The question being on the adoption of the resolution,

Mr. Goddard moved to amend by adding the following as a substitute:

Resolved, That the manuscripts of the majority and minority reports of the select committee on the manner in which Senate bill No. 70, was passed at the last session, be deposited in the office of the Secretary of State as soon as the printing is completed.

A call of the Senate was ordered, Messrs. Ankeny, Bennett, Blockson, Corwin, Evans, Ewing, Graham and Vinal were absent.

On motion,

The above gentlemen were excused.

On motion,

All further proceedings under the call were dispensed with.

The question being on the adoption of the amendment,

Mr. Goddard demanded the yeas and nays thereon, which were ordered, and resulted yeas 12, nays 12, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Blake, Conklin, Goddard, Haines, Hendricks, Heron, Judy, Kendall, Lewis and Worcester—12.

Those who voted in the negative, were

Messrs. Archbold, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Myers, Scott, Swift, Whitman and Wilson—12.

So the motion was lost.

The question recurred on agreeing to the resolution.

Mr. Blake demanded the yeas and nays thereon, which were ordered, and resulted yeas 17, nays 7, as follows:

Those who voted in the affirmative, were

Messrs. Archbold, Backus, Burns, Byers, Chase, Conklin, Dimmock, Dubbs, Emrie, Goddard, Kendall, Myers, Patterson, Scott, Swift, Whitman, Wilson and Speaker—17.

Those who voted in the negative, were

Messrs. Beaver, Blake Haines, Hendricks, Horton, Lewis and Worcester—7.

So the resolution was agreed to.

Mr. Goddard, from the select committee on the subject, made the following report:

The select committee to which was referred the communication of Mr. Alexander Vattermare, on the subject of international exchanges, now report that owing to the late period of the session at which the attention of the Senate was called to this important subject, the committee has not been able to prepare any satisfactory scheme, and believing that delay will be preferable to imperfect action, the committee recommend the adoption of the following joint resolution:

Resolved by the Senate and House of Representatives, That the Governor be requested to confer with Mr. Alexander Vattermare upon the subject of international exchanges of documentary and statistical publications, and recommend to the next General Assembly, such action thereon as may be deemed expedient.

Said resolution was agreed to.

Message from the House of Representatives.

Mr. Speaker:

The House declines to appoint a committee of conference, and adheres to its amendment to Senate joint resolution relative to appointing a committee to revive the school laws.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bills and joint resolution:

S. No. 115; To repeal so much of the 6th section of the act of January 22, 1848, entitled an act to provide for the assessment of personal property, and the valuation of new entries and new structures as requires the auditor to enter upon the duplicates of the county, the amount of tax levied for road purposes.

S. No. 249; An act recognizing the New Orleans and Ohio Telegraph company, as a body corporate and politic within the State of Ohio.

S. No. 277; To amend an act entitled an act fixing the time of holding the courts of common pleas, in the 11th judicial circuit, passed Feb. 7, 1848.

Resolution relative to slavery and the slave trade, in the District of Columbia.

Attest:

STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has passed the following bill:

S. No. 278; To render practicable the provisions of the act to authorize the commissioners of Highland county, to subscribe to the capital stock of the Hillsborough and Cincinnati Railroad company.

Attest: STANLEY MATTHEWS, Clerk.

Mr. Hendricks, from the standing committee on enrollment, made the following report:

That the committee have examined and found correctly enrolled the following bill:

An act to render practicable the provisions of the act to authorize the commissioners of Highland county, to subscribe to the capital stock of the Hillsborough and Cincinnati Railroad company.

Message from the House of Representatives.

Mr. Speaker:

The Speaker of the House has signed the following enrolled bill:

S. No. 278; To render practicable the provisions of the act to authorize the commissioners of Highland county, to subscribe to the capital stock of the Hillsborough and Cincinnati Railroad company.

Attest: STANLEY MATTHEWS, Clerk.

Message from the House of Representatives.

Mr. Speaker:

The House has agreed to Senate joint resolution relating to the Governor corresponding with Mr. Alexander Vatamare on the subject of international exchanges.

Attest: STANLEY MATTHEWS, Clerk.

On motion of Mr. Goddard,

Resolved, by the Senate and House of Representatives, That having completed the business of the session, both Houses will now forthwith adjourn.

Message from the House of Representatives.

Mr. Speaker:

The House has now completed its business, and is ready to adjourn sine die.

Attest: STANLEY MATTHEWS, Clerk.

Gentlemen of the Senate:

The vote of thanks you have been pleased to pass in my behalf, is a source of equal pleasure and pride, and will be cherished among my last recollections. Without much pride of opinion or skill in parliamentary discipline, I have to the best of my knowledge, skill and ability, endeavored to discharge the duties incumbent upon me as your presiding officer faithfully, honestly and impartially. If I have failed in any manner or thing, the error has not been intentional.

We have been assembled here during a most eventful period in the history of our State. It would be difficult to find another era in the

history of this or any other State in this Union, when the peace and harmony of the State, and the safety of her institutions were so much endangered by civil commotion, as at the commencement of the present session. At one time the organization of the legislature was almost dispaired of, and by some consequences the most fearful were anticipated. Yet we have surmounted all this, and after a long period of painful anxiety the legislature organized. Since then business has for the most of the time progressed with a degree of rapidity and harmony, far beyond the expectations of the most sanguine. Nothing particularly having occurred to mar the feelings or to interrupt the onward progress of business—except on one occasion. That scene I wish for the honor of the legislature and for the credit of the State, could be struck from the page of history and from existence. But that cannot be done. The pen of historian has chronicled the fact, and there to remain a part and parcel of the history of the State and of the proceedings of the legislature. Permit me here to say that the decision I then made, and the act I there performed, was the result of the honest conviction of my own mind, unaided or advised by any person or party, prompted only by a sincere desire to discharge promptly, faithfully and impartially the duty assigned me by your kindness.

If in thus discharging the duty, if I have transcended any of the rules of parliamentary proceedings, or injured the feelings of any senator, I regret it, as such was not my intention. No one regrets that occurrence more than I do.

The great length to which party feelings and party prejudices have been carried in this State, and to which they still adhere, together with the patrimony bestowed upon the legislature by the constitution of the State, in the election of State and county officers, will render legislation more or less turbulent whilst we attempt to legislate under the same.

Permit me here to congratulate you upon the prospect now presented to the electors, if they desire to amend or change the constitution, and to guard against the evils that exist in the present. Amend your constitution—take from the legislature the elective franchises—the source and fountain head of political legislative corruption, give it back to the people to whom it legitimately belongs, and then you will have comparative harmony in your legislative body, and not till then.

In conclusion let me say that I entertain no other than the kindest of feelings toward each and every senator, and wish you peace, prosperity and happiness, and a safe return to the bosom of your family and friends, offering once more to you all my most grateful acknowledgments of your kindness and indulgence, and best wishes for your individual health, prosperity and happiness, and a safe return to the bosom of your family and friends, I bid you adieu.

On motion of Mr. Beaver,

The address was ordered to be entered on the journal.

On motion of Mr. Emrie,

So the Senate adjourned *sine die*.

Attest:

JOHN R. KNAPP, Jr., Clerk.

QUESTIONS OF ORDER.

Decided in the Senate on Appeals from the Decision of the Chair.

Mr. Goddard moved the adoption of the following:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to appoint two Messenger Boys for the Senate, at a compensation of 75 cents per day each, which shall not be increased during the session.

The Speaker decided the resolution out of order.

Mr. Dennison appealed from the decision of the chair.

The question then being, Shall the decision of the chair stand as the judgment of the Senate?

Mr. Kendall demanded the yeas and nays, which were ordered, and resulted yeas 34, nays 1, as follows:

Those who voted in the affirmative, were

Messrs. Ankeny, Archbold, Backus, Beaver, Bennett, Blake, Blocksom, Burns, Byers, Chase, Claypool, Conklin, Corwin, Dennison, Dimmock, Dubbs, Emrie, Evans, Ewing, Goddard, Graham, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Patterson, Scott, Swift, Vinal, Wilson and Worcester—34.

Those who voted in the negative, were

Mr. Whitman—1.

So the decision of the chair was sustained.

See page 43.

Mr. Conklin raised a question of order, which he reduced to writing, as follows:

Whether it is the constitutional right of any two members of the Senate to dissent from and protest against a refusal of the Senate to take up a resolution from the table.

The Speaker decided the question in the negative.

Mr. Ewing appealed from the decision of the chair, and stated his points upon which he based his appeal.

The question then being, Shall the decision of the chair stand as the judgment of the Senate?

Mr. Archbold demanded the yeas and nays thereon, which were ordered, and resulted yeas 20, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Myers, Swift, Vinal, Whitman and Worcester—20.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Patterson, Scott and Wilson—15.

So the question was decided in the affirmative and the decision of the chair was sustained.

See page 54.

Mr. Archbold, agreeable to previous notice, introduced the following bill:

S. No. 1; A bill concerning the powers and duties of the State Auditor.

Mr. Beaver raised a question of order, which he reduced to writing, as follows:

Is it proper to introduce bills on leave or otherwise previous to the organization of both Houses of the General Assembly, and notice of that fact had in both branches.

The Speaker decided the question in the negative, and gave the following as his reasons:

"The Chair is of the opinion that it is not in order to introduce a bill or resolution that must be acted upon in the lower branch of the legislature, prior to the Senate being informed of the fact that that branch is organized."

See page 62.

Mr. Burns raised a question of order, which he reduced to writing, as follows:

That any amendment offered to a resolution totally irrelevant to the same, is not in order and cannot be entertained.

The Speaker decided the question in the affirmative.

See page 82.

Mr. Byers moved that the Senate disagree to the amendment of the House.

The Speaker decided the motion out of order.

Mr. Byers appealed from the decision of the Speaker.

The question being, Shall the decision of the chair stand as the judgment of the Senate,

Mr. Byers demanded the yeas and nays thereon, which were ordered, and resulted yeas 18, nays 17, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Claypool, Conklin, Corwin, Dennison, Goddard, Haines, Hendricks, Horton, Judy, Kendall, Lewis, Swift, Vinal and Worcester—18.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byers, Chase, Dimmock, Dubbs, Emrie, Evans, Ewing, Graham, Myers, Patterson, Scott, Whitman and Wilson—17.

So the decision of the chair was sustained.

See page 92.

Mr. Bennett moved to take up the special report of the select committee on rules in the Senate, which was agreed to.

Mr. Byers raised a question of order, which he reduced to writing, as follows:

Under the 38th rule, it is out of order to alter or amend the rules without one day's previous notice.

The Speaker decided the question in the affirmative.

See page 103.

The Speaker of the Senate in the presence of the members of both Houses, commenced opening and publishing the aggregate vote of the counties.

Mr. Whitman here raised a point of order which he reduced to writing as follows:

The Speaker of the Senate is out of order as he is not opening and publishing the returns of votes for Governor, but is only opening and publishing the footings of the returns. *See page 104.*

Mr. Whitman, in behalf of himself and others, appointed to examine the abstracts, made the following report:

Mr. Beaver raised a point of order.

The Speaker decided it to be in order, whereupon it was read.

See page 109.

Mr. Whitman offered the following resolution for adoption:

Resolved, That a committee of six on the part of the House, and _____ on the part of the Senate, be appointed by the respective Speakers of each House, to examine, in the presence of both Houses, the returns of votes made for Governor by the clerks of the several counties of the State.

Mr. Dennison raised a point of order.

The Speaker of the Senate decided the resolution to be out of order, but permitted Messrs. Whitman, Dennison and Backus to discuss it.

See page 110.

Mr. Archbold was speaking to a question of privilege, when he was called to order by Mr. Kendall, who raised a question of order, which he reduced to writing as follows:

"Is the member from Monroe, in calling the Speaker a tool for any side of the Chamber, in order?"

The Speaker decided the question in the negative.

Mr. Ewing moved that the Senator have leave to proceed, which was agreed to. *See page 113.*

The same gentleman moved to amend further by adding the following as an additional resolution:

Resolved, That it is the duty of the Speaker to examine and correct the journal.

Mr. Whitman raised a question of order which was reduced to writing as follows:

That the amendment offered as an additional resolution, is out of order, as it relates to a different subject matter from that embraced in the original resolution, or as amended.

The Chair decided in the affirmative.

Mr. Goddard appealed from the decision of the chair.

The question being, "shall the decision of the chair stand as the judgment of the Senate?"

Mr. Whitman demanded the yeas and nays thereon, which were ordered and resulted—yeas 13, nays 16.

So the Senate refused to sustain the decision of the chair.

See page 116.

Mr. Whitman moved to strike out all after the first resolution and insert the following as a substitute:

Resolved, That we are opposed to the introduction of slavery into territories now free.

Resolved, That our Senators in Congress are instructed, and our Representatives are requested, to use all their exertions to abolish the slave trade within the district of Columbia.

The Speaker decided the motion out of order.

Mr. Chase appealed from the decision of the Speaker.

The question being, "shall the decision of the chair stand as the judgment of the Senate?"

Mr. Archbold demanded the yeas and nays, which were ordered, and resulted—yeas 17, nays 20. *See page 199.*

So the decision of the Speaker was reversed.

The question being on the adoption of the original resolution,

A division of the question was called for.

The Speaker decided that the resolutions should be put separately.

Mr. Whitman appealed from the decision of the chair.

The question then being, Shall the decision of the chair stand as the judgment of the Senate?

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 13, nays 15, as follows:

Those who voted in the affirmative, were

Messrs. Backus, Beaver, Bennett, Blake, Conklin, Dennison, Goddard, Haines, Hendricks, Horton, Kendall, Lewis and Worcester—13.

Those who voted in the negative, were

Messrs. Ankeny, Archbold, Blocksom, Burns, Byars, Chase, Dimmock, Dubbs, Emrie, Ewing, Myers, Patterson, Scott, Swift and Whitman—15.

So the decision of the chair was reversed. [See page 200.]

The question being on the adoption of the resolutions as amended,

Mr. Backus moved a division of the question.

The Speaker decided the motion out of order, as decided by the Senate a few days previous.

Mr. Backus appealed from the decision of the chair.

The question being, Shall the decision of the chair stand as the judgment of the Senate?

Mr. Whitman demanded the yeas and nays thereon, which were ordered, and resulted yeas 8, nays 21.

So the decision of the chair was reversed. [See page 212.]

Mr. Emrie offered the following as a substitute for the amendment:

"That this General Assembly will adjourn *sine die* as soon as it shall have disposed of its proper and necessary business, decently and in order."

The Speaker decided the amendment and the amendments to the same, out of order. [See page 479.]

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- 273. Further to amend the act regulating Railroad Companies, passed Feb. 11, 1848, 333, 343, 419, 422, 430, 585.
- 184. To incorporate the Delaware, Millford, Mechanicsburgh and Springfield Railroad Company, 336, 343, 419, 461, 464, 545.
- 185. To amend and reduce into one the several acts relating to the Cincinnati, Hamilton and Dayton Railroad Company, 334, 343, 419, 456, 500, 529, 617.
- 219. To amend the charter of the Hillsborough and Cincinnati Railroad company, 400, 409, 449, 457, 464, 637.
- 232. To incorporate the Iron Railroad company, 446, 464, 477, 482, 503.
- 251. To amend the several acts relating to the Hamilton and Dayton Railroad company, 484, 503, 548.
- 258. To authorize subscription to the capital stock of the Bellfontaine and Indiana Railroad company, by towns and townships on the line of said road, 534, 539, 581, 592, 654.

DEEDS, &c.

- 69. To authorize county surveyors to take acknowledgments of deeds, &c., 158, 161, 256, 372, 442, 464.
- 160. Declaring valid a certain Sheriff's deed therein named, 298, 305, 381, 603, 636, 681.
- 198. To amend the act entitled an act to incorporate the Bellfontaine and Indiana Railroad company, 359, 368, 435, 441, 464, 585.

DIVORCE.

- 70. To divorce Caleb Baker from his wife Sarah Baker, 159, 161, 256, 580.
- 153. Supplementary to the acts concerning divorce and alimony, 297, 304, 351, 371.
- 172. To amend the act in relation to divorce and the care of children, 324, 332, 382, 430, 605.

ENABLING ACTS.

- 21. To authorize the trustees of Springfield township, to subscribe money to aid in the erection of a Town Hall in Springfield, in the county of Clark, and to establish said Hall as the place of holding all elections in said township, 86, 149, 303, 358.
- 35. To authorize the town council of Akron to levy a tax to liquidate the debts due from said town, 113, 115, 219, 221, 471.
- 38. To authorize the town council of the town of Sidney, to subscribe to the capital stock of the Sidney and Waupakonnetta Railroad company, 120, 136, 200, 285, 292, 301, 586, 617.

BILLS OF THE SENATE—*Continued.*

Number.

- 81. To authorize the Council of the city of Cincinnati, to borrow money for the improvement and extension of the city water works, 189, 179, 258, 290, 304, 312, 322, 545.
- 104. To authorize the commissioners of Highland county, to subscribe to the capital stock of the Hillsborough and Cincinnati Railroad company, 208, 308, 320, 532, 570.
- 113. Authorizing the city of Cleveland to subscribe to the capital stock of the Cleveland and Pittsburgh Railroad company, 224, 228, 328, 331, 351, 362, 570.
- 120. To authorize the city Council of Columbus to occupy a part of a certain street and alley therein mentioned for a market house, 240, 338, 363, 397, 543.
- 142. To authorize the city of Cincinnati to build a Poor House, 275, 283, 344, 350, 355, 626.
- 145. To amend the act to authorize Muskingum county, and the town of Zanesville, to subscribe to the capital stock of the Central Ohio Railroad company, 275, 283, 350, 366, 587, 617.
- 159. To authorize the Trustees of Marion and Jefferson townships, in the county of Clinton, to borrow money and for other purposes, 298, 305, 373, 386, 691.
- 179. Authorizing the city Council of the city of Columbus, to lay out streets and alleys across the old Penitentiary lot in said city, 333, 342, 419, 420, 431.
- 180. To amend the act entitled an act to authorize the commissioners of Franklin county, and the town council of the city of Columbus, to subscribe stock to certain Railroad companies, 334, 313, 379, 391, 419.
- 188. To authorize the town council of Newark to subscribe to the capital stock of the Newark Plankroad company, 342, 355, 434, 450, 464, 587.
- 223. Authorizing the commissioners of Scioto county to subscribe to the capital stock of the Scioto and Hocking Valley Rail Road Company, 423, 430, 477, 504, 517, 584, 613.
- 248. Authorizing the commissioners of Fairfield county to subscribe stock in a Rail Road Company, passed Feb. 24, 1848, 483, 503, 517, 579, 590, 610, 681.

FREE TURNPIKE ROADS.

- 45. To lay out and establish a free turnpike road from Sidney to St. Marys. 123, 130, 240, 260, 271, 461, 469, 617.
- 47. To establish a free turnpike road from Carrollton, in Montgomery county, to Eaton, in Preble county, 124, 130, 240, 249, 262, 399.
- 55. To incorporate the Sugar Valley and Camden free turnpike road, 137, 142, 261, 271, 399.

BILLS OF THE SENATE—Continued.

Number.

- 63. To establish a free turnpike road from Eaton, by way of West Florence, to the Indiana state line, on the Boston state road, 144, 146, 255, 261, 271, 399.
- 82. To amend the act entitled an act to establish a free turnpike road from Marysville, in Union county, to Kenton, in Hardin county, 169, 179, 258, 261, 272, 531.
- 84. To lay out and establish a free turnpike road from Newton, in Union county, to Delaware, in Delaware county, 172, 180, 267, 282, 292, 358.
- 126. To lay out and establish a free turnpike road from the McCutchnsville road to the Maumee and Western Reserve road, in Wood county, 249, 262, 340, 354, 368, 637.
- 141. To amend an act entitled an act to establish a free turnpike road from Bellefontaine, in Logan county, to the Indiana state line, 270, 283, 348, 356, 442.
- 166. To lay out and establish the Port Lawrence and Springfield free turnpike road, 311, 321, 418, 429, 444, 461, 613.
- 176. To lay out and establish the Port Clinton and Toledo free turnpike road, 326, 332, 418, 423, 654.
- 205. To incorporate the Waterville and Lafayette turnpike road, in the counties of Lucas, Henry and Williams, 367, 375, 436, 536.
- 207. To establish a free turnpike road from New Paris to New Westville, in Preble county, 372, 375, 436, 441, 464, 585.
- 263. To amend the act entitled an act appointing commissioners to lay out and establish a free turnpike road from Eaton to Sugar Valley, in Preble county, 553, 568, 632, 661, 687.
- 268. To lay out and establish the Portage free turnpike road, in the county of Wood, 575, 591, 632, 661, 691.

MILITIA.

- 199. To amend the militia laws of the State of Ohio, 359, 368, 435, 468, 482, 510.
- 265. To organize the county of Ashland a separate brigade, 446, 464, 477, 503, 587.
- 262. To repeal the several acts therein named, regulating the militia, 548, 555, 656.

PUBLIC AND COUNTY OFFICERS.

- 24. Concerning the power and duties of State Auditor, 87, 96, 207, 216, 219, 320, 580, 620.
- 134. To amend the act entitled "an act for the appointment of certain officers therein named," passed Feb. 17, 1831, 264, 271, 348, 352, 368, 667.
- 249. To amend the act to create the office of county surveyor, 493, 503, 547.

BILLS OF THE SENATE—Continued.

PUBLIC WORKS—BOARD OF.

Number

7. To provide for the election of the Board of Public Works by the people, 81, 86, 135.

LANDS—SALE OF, &c.

3. Granting the unsold and unappropriated lands to actual settlers, 81, 86, 135, 281, 444, 464, 556, 693.
 5. To exempt homesteads from forced sale on execution, and for other purposes, 81, 86, 135, 148, 206, 429.
 16. To provide for the sale of section 16, in Caryall township, Paulding county, 82, 87, 144, 342, 355, 541.
 57. To authorize the sale of the north-west quarter of section No. 32, township 8, north range 12, east, in the county of Wood, 142, 145, 242, 245.
 119. To authorize the sale of section 16, in Liberty township, Seneca county, 234, 238, 336, 343, 531.

NEW COUNTIES.

48. To erect the county of Walhonding, 288, 292, 301.

RELIEF ACTS.

2. For the relief of John Devine, James M. Snyder and William Sharp, 81, 86, 135, 151, 165, 169, 180, 296.
 32. Making William Leonidas Davidson the legal heir of William E. Maxey, deceased, 101, 123, 203, 235, 346, 675.
 57. Making Ophelia Piper the legal heir of Zadoch Tillotson, of Medina county, and changing the name of said Ophelia Piper to Caroline Tillotson, 138, 242, 259, 271, 431.
 65. For the relief of the Harrison, Trenton, Rochester and Rantauville Turnpike company, 145, 152, 255, 282, 531.
 230. For the relief of the Steubenville, Cadiz and Cambridge M'Adamised road company, 430, 443, 477.

ROAD, STATE AND TOWNSHIP TAX.

108. Regulating the time of performing labor on roads and highways, 217, 271, 328, 333, 359, 613.
 109. To lay out and establish a graded state road in the counties of Washington and Morgan, 217, 221, 329, 333, 472, 484, 529, 542.
 122. To lay out and establish a state road in the counties of Geauga and Ashtabula, 251, 262, 299, 301, 305, 344.
 123. To repeal the 5th section of an act to authorize the county com-

BILLS OF THE SENATE—*Continued.*

Number.

- missioners of this State, to lay out and establish state roads, 308, 313, 465, 471, 613, 636.
183. To amend the act entitled an act to establish a graded state road in the counties of Meigs, Gallia and Jackson, passed January 28, 1848, 334, 342, 416, 422, 430.
261. To provide for the opening and repair of roads and highways on the East line of the State of Ohio, 548, 550, 626.

SCHOOLS, SCHOOL LANDS, &c.

99. To organize school district No. 7, in Liberty township, Clinton county, 96, 101, 169, 180, 247.
51. For the better organization of public schools in cities, towns, &c., 184, 137, 242, 339, 343, 399.
52. To amend the act for the support and better regulation of common schools, in the city of Columbus, passed February 3, 1845, 134, 137, 206, 210, 218, 251.
94. For the better support of common schools in Perrysburg, Wood county, 135, 137, 241, 245, 543.
99. To provide for the sale of certain school lands therein named, situated in Washington township, Miami county, 152, 159, 256, 285, 338, 343, 541.
77. To authorize the sale of school section 16, in Monroe township, Preble county, 164, 166, 257, 339, 343, 400.
106. To authorize the school directors of district No. 13, in Jefferson township, Fayette county, to sell and convey certain real estate, 216, 218, 328, 332, 541.
177. To provide for the sale of the Western Reserve school lands, 228, 238, 278, 292, 323.
138. To authorize the sale of certain school lands therein named, 269, 283, 348, 353, 368, 542.
165. Further to amend the act entitled an act for the regulation of common schools, and to establish permanently the office of Superintendent, 309, 314, 418.
197. To authorize the sale of school lands belonging to Madison township, (fractional) in Clark county, 359, 368, 435, 443, 543.
223. To authorize the county Auditor of Holmes county to levy an additional tax in school district No. 9, Hardy township, for school purposes, 409, 423, 449, 460, 469, 626.
226. To amend the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1858, and the act amendatory thereto, 422, 430, 477, 480, 503, 641.
241. To extend the time of payment of the north west quarter of section 16, Perry township, Morrow county, 446, 469, 500, 526, 565.

BILLS OF THE SENATE—*Continued.*

Number.

247. To amend the act entitled an act for the better organization of public schools in cities, towns, &c., passed Feb. 15, 1849, 476, 503, 547, 552, 569, 617.
269. To extend the time of payment of certain school lands, 596, 598, 610, 654.

TURNPIKES.

15. To incorporate the Rossville and Millville Turnpike Road company, 81, 87, 144, 165, 180, 229.
29. To amend the act to incorporate the Ross county Turnpike company, passed February 19, 1848, 97, 101, 170, 235, 245, 399.
31. To incorporate the Hamilton, Rossville, Millville and Scipio township road company, 101, 113, 172, 180, 247.
60. To amend the charter of the Cincinnati, Lebanon and Springfield Turnpike company, 142, 145, 242, 260, 271, 282, 586.
91. Supplementary to the act to incorporate the Troy and Newton Turnpike company, 202, 204, 276, 291, 305, 531.
130. To amend the act entitled an act to incorporate the Ripley and Hillsborough Turnpike company, passed February 19, 1833, 251, 262, 348, 366, 376, 617, 626.
131. To amend the act entitled an act to incorporate the Milford and Chillicothe Turnpike Road company, passed February 11, 1832, 252, 262, 348, 366, 376, 629, 653, 663, 672.
133. To incorporate the Springfield and Northampton Turnpike company, 262, 270, 347, 386, 636.
136. To incorporate the South Charleston and Washington Turnpike company, 265, 271, 348, 354, 368, 373, 636.
147. To incorporate the Columbus and Blendon Turnpike company, 286, 292, 354, 373, 386, 585.
155. To incorporate the Liberty township Turnpike company, 297, 304, 361, 373, 386, 531, 542.
162. A bill further to amend the act incorporating the Wayne, Medina, and Ouyahoga Turnpike company, 307, 313, 382, 441, 465, 468, 585.
167. For the extension of the Maumee and Western Reserve road, 312, 321, 361, 365.
194. To amend the act entitled an act to incorporate the Millville, Reilly and Miltonville Turnpike company, 350, 355, 435, 441, 464, 585.
221. To incorporate the Columbus and Groveport Turnpike company, 402, 410, 449, 464, 626.
224. To repeal the act to lay out and establish the Bennington and Mt. Gilead Free Turnpike company, 416, 473, 649.
243. To amend the several acts incorporating Turnpike companies, 466, 501, 547, 557, 561, 654.
255. To incorporate the Four Mile and Seven Mile Turnpike company, 515, 526, 552, 568, 637.

BILLS OF THE SENATE—*Continued.*

TAXATION—TAXES.

Number.

- 72. To provide for taxing certain lands sold by the United States, 159, 161, 256, 281, 292, 342.
- 73. To amend the tax law passed March 2, 1846, 159, 161.
- 83. To authorize the trustees of the townships in Brown county, to levy an additional road tax, 169, 179, 257, 260, 272, 358.
- 101. To amend the act passed March 2, 1846, to tax money brokers, 206, 213, 308, 578, 654.
- 122. In relation to school taxes and sewers in the city of Toledo, 244, 252, 336, 394, 411, 543.
- 137. To authorize the trustees of Perry township, in the county of Columbiana, to levy a tax to erect a Town Hall and Market House in said township, 267, 271, 348, 383, 398, 543.
- 156. To authorize the trustees of townships in the county of Union, to levy an additional road tax, 297, 304, 381, 386, 639.
- 202. To authorize the town council of the town of Warren, to assess and collect an additional tax for fire purposes, 367, 375, 436, 443, 585.
- 203. To extend the corporate limits of the town of Xenia, in Greene county, 367, 375, 436.
- 270. To provide for the taxation of the Little Miami Rail Road company, 596, 610, 650, 661, 693.

TEMPERANCE—TAVERNS—INTOXICATING LIQUORS.

- 152. To repeal an act entitled an act regulating the sale of intoxicating liquors, in the town of Cuyahoga Falls, 291, 301, 351, 392, 410, 638.
- 219. Regulating the granting of licenses to taverns, public houses and houses of entertainment in certain cases, in the city of Columbus, 402, 410, 440, 465, 611.

MISCELLANEOUS.

- 8. To abolish capital punishment, 81, 86, 135, 672.
- 14. In addition to an act in relation to incorporated religious societies, passed March 5, 1836, 81, 87, 136, 203, 218, 431.
- 19. To incorporate the Ohio Institute of Natural Science, 86, 96, 144, 176, 205, 239.
- 22. To prevent hunting, killing or destroying deer in certain seasons of the year, 86, 96, 149, 174, 330, 343.
- 33. Concerning writs of error in fact, 101, 114, 207, 244, 252.
- 34. To amend the act relating to Juries, 101, 114, 207, 280, 442, 664, 691.
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BILLS OF THE SENATE—*Continued.*

Number.

41. To repeal the act entitled an act to create the office of Attorney General and to prescribe his duties, and the acts amendatory thereto, 122, 130, 266, 393.
42. To repeal the act entitled an act to authorize the town of Hamilton to borrow money and for other purposes, 122, 180, 267, 270, 367, 375, 541.
50. To establish the ten hour system of labor in this state, 130, 157, 241, 591, 664.
56. To give additional security to land titles, 138, 142, 242, 269, 373, 376, 396, 397, 675.
71. To provide for the better preservation of the bonds of executors and administrators of the estates of deceased persons, 159, 160, 256, 341, 354, 368, 590.
85. To amend the act to provide for the internal improvement of the state of Ohio by Navigable canals, 175, 204, 267, 303, 310, 322, 473.
86. Allowing J. W. Baldwin, administrator of the estate of M. J. Gilbert, late of Franklin county, deceased, to complete real estate contracts of intestate, and to partition to sell lands, 291, 204, 267, 273, 431.
93. To change the name of Elizabeth A. Degraw, 202, 204, 276, 406, 410, 472.
112. Further to amend the act to dispense with proof in certain cases, passed December 18, 1823, 224, 228, 328, 392, 410.
115. Repealing a part of the 6th section of the act of January 24, 1848, 225, 228, 331, 634, 662, 691.
118. To revive the fourth section of an act therein named, 234, 238, 336, 512, 516, 570.
127. To provide for the construction of culverts and gates in mill dams in the township of Sylvania in the county of Lucas, 251, 262, 340, 342, 511, 516, 527.
135. To amend the act entitled an act to amend an act relating to wills, passed March 23, 1840, and for other purposes, 264, 271, 368, 429, 444, 641, 643.
139. To legalize a change in the town plat of Winchester, in Fairfield county, and to confirm the conveyance made by Reuben Dove, proprietor of Dove's addition to said town of Winchester, of the north half of lots Nos. 17 and 18, to Jacob Reese and others, 346, 355, 434, 482, 503, 585.
143. To change the name of John Stratton, 275, 393.
144. To reduce the compensation of the members of the General Assembly after the same has been in session ninety days, 275, 283, 348.
150. To repeal an act entitled an act to provide for the extinguishment of the State debt of Ohio, 289, 292, 361, 514.
158. To establish a land office at Defiance, and to abolish the land offices at Lima and Perrysburgh, 298, 305, 381, 457, 464, 583.

BILLS OF THE SENATE—*Continued.*

Number.

- 161. Amendatory of the act to provide for the profitable employment of convict labor on the new State House, passed February 21, 1848, and for other purposes, 303, 318, 381, 521, 540, 614, 621.
- 169. To repeal a part of a certain act therein named, 320, 332, 566, 568, 625, 637.
- 171. An act relating to occupying claimants of lands, 224, 292, 332, 382, 422, 580.
- 177. Further to amend the act to regulate the action of forcible entry and detainer, 333, 342, 419, 632, 652.
- 187. To repeal the provisions of the 41st section of the act for the punishment of crime, 341, 355, 434, 441, 465, 468, 664.
- 191. Concerning negotiable instruments, 349, 355, 434, 476, 582, 568, 637.
- 193. To amend an act entitled an act to amend an act directing the mode of proceedings in chancery, passed February 21, 1846, 347, 355, 434, 592, 641.
- 190. To extend Market street, in the town of Springfield, 346, 359, 422, 431, 443.
- 201. To authorize the establishment of a poor house by the city of Cleveland, 367, 375, 417, 436, 442, 464, 580.
- 207. To prevent railroad companies from charging a greater compensation for freight or passengers than is allowed by law, 374, 375, 466.
- 209. To amend the act entitled an act regulating judgments and executions, passed March 1, 1831, 373, 375, 449, 513, 526, 698.
- 210. To amend the act passed February 20, 1848, directing the mode of proceeding in chancery, passed March 14, 1841, 373, 385, 436, 441, 461, 469.
- 211. To amend the act regulating writs of attachment, 380, 385, 449.
- 212. In relation to the Miami Canal, the Miami Extension Canal, and the Wabash & Erie Canal, 380, 386, 436, 451, 464, 589.
- 163. To repeal the fifth section of an act entitled an act to authorize the commissioners of this State to lay out and establish certain State roads, 382.
- 215. To amend the act entitled an act to abolish imprisonment for debt, passed March 19, 1838, 394, 409, 476, 538, 556.
- 225. More effectually to punish the sale of lottery tickets in this State, 417, 425, 477, 511, 576.
- 227. Concerning the tax on lawyers and physicians, tax on pedlars, auction duties, and the tax on foreign insurance companies, 422, 430, 477, 513, 516, 546.
- 231. To amend the act entitled an act providing for the punishment of crime, passed March 7, 1838, 435, 443, 477, 515, 527, 669.
- 236. To authorize the canal fund commissioners to exchange certain certificates of the funded debt of this State, 458, 464, 547, 556, 664, 667.

BILLS OF THE SENATE—*Continued.*

Number.

- 257. In relation to fees of grand and petit jurors of Cuyahoga county, 458, 464, 547, 556, 664, 667.
- 245. To detach certain sections from Morrow county and attach the same to Richland county, 468, 501, 547, 682, 661, 677.
- 240. Recognising the New Orleans and Ohio telegraph company as a body corporate and politic within the State of Ohio, 475, 547, 602, 626, 635, 698.
- 256. To prohibit judges from officiating as attorneys in the courts of justices of the peace, 516, 526, 643, 652, 686, 691.
- 260. To reduce the valuation of real estate for the purpose of taxation, 555, 598, 647.
- 179. In relation to the old penitentiary lot in the city of Columbus, 567, 597, 606, 654.
- 267. To repeal an act therein named, 580, 592, 648.
- 268. In relation to the State road leading from Lower Sandusky to Findlay, 591, 596, 610, 654, 668, 676.
- 271. To amend the act to provide for the recording of town plats, 596, 605, 635, 676.
- 293. Relating to certain real estate in the town of Franklinton, Franklin county, 598, 644, 691.
- 275. Further to amend the act to provide for the election of Prosecuting Attorneys, 599, 610, 634.
- 276. To amend the act for levying taxes on all property in this State according to its true value, 609, 610, 650.
- 278. To render practicable the provisions of the act to authorize the commissioners of Highland county to subscribe to the capital stock of the Hillsborough & Cincinnati railroad company, 712, 714.

BILLS OF THE HOUSE

APPROPRIATIONS, APPEALS, &c,

- 57. Concerning Senators and Representatives in the county of Hamilton, 504, 526, 549, 648.
- 60. Making partial appropriations for the years 1848 and 1849, 205, 213, 230.
- 325. Making appropriations for the year 1849, 542, 555, 607, 608, 609, 626.
- 130. To fix and apportion the representation of the General Assembly of the State of Ohio, 631, 635, 679.

BANKS—BANK PAPER.

- 133. To amend the act entitled an act to institute proceedings against

BILLS OF THE HOUSE—*Continued.*

Number.

against corporations not possessing banking powers, and the visitorial powers of courts, and regulating corporations generally, 306, 313, 363, 429, 443.

BLACK LAWS—REPEAL OF, &c.

52. To authorize the establishment of separate schools for the education of colored children, and for other purposes, 223, 226, 233, 243, 250, 273.

COURTS, &c.

40. Prescribing the times of holding the courts of common pleas in the sixteenth judicial circuit, 181, 204, 218, 382, 386, 446.
 87. To amend the act entitled an act prescribing the times of holding the courts of common pleas in the third judicial circuit, passed January 5, 1848, 214, 215.
 104. To fix permanently the times of holding the courts of common pleas in the second judicial circuit, 254, 262, 266, 276, 295.
 155. To fix the times of holding the courts of common pleas in the tenth judicial circuit, 263, 271, 275.
 116. Regulating the times of holding the courts of common pleas in the thirteenth judicial circuit, 285, 288, 294.
 108. To further amend the act entitled an act to regulate the practice of the judicial courts, 306, 313, 338, 393, 410.
 170. To fix the times of holding the courts of common pleas in the fifteenth judicial circuit, 224, 332, 339.
 147. To amend the act entitled an act prescribing the times of holding the courts of common pleas in the fourteenth judicial circuit, and for other purposes, passed February 2, 1848, 344, 354, 381, 395, 410.
 264. To fix the times of holding the courts of common pleas in the eighth judicial circuit, 416, 423, 439, 448.
 158. For regulating the practice of judicial courts, 473, 501, 548, 553, 659.
 302. Prescribing the times of holding the courts of common pleas in the eighteenth judicial circuit, 528, 539, 553, 571.

CRIMES AND OFFENCES.

53. To provide for the punishment of a certain crime therein named, 239, 246, 299, 392, 410.

CORPORATIONS.

34. To incorporate the Locust Street Wharf company of Gallipolis, 181, 206, 233, 280, 292.

BILLS OF THE HOUSE—*Continued.*

Number.

39. To amend the act entitled an act to encourage the organization of fire companies, and repeal former acts passed February 8, 1847, 185, 204, 233, 310, 321.
25. To amend the act incorporating the Farmer's Mutual Fire Insurance company of Medina county, 229, 238, 252, 299, 310, 321.
70. To incorporate the Relief Fire company of the city of Chillicothe, 247, 252, 300, 311, 332, 345.
45. To extend the charter of the Perrysburg Canal and Hydraulic company, 284, 291, 337, 343.
94. To incorporate the Hocking Savings Institute at Logan, 295, 304, 327, 354, 368, 378.
35. To incorporate the Savings Fund Society of Woodsfield, 296, 302, 307, 338, 344, 444, 464.
167. To incorporate the town of Rock Creek in Ashtabula county, 296, 304, 337, 343.
153. To incorporate Northern Fire company of Cincinnati, 296, 304, 337, 376, 386.
80. To incorporate the town of Waupokennetta, 369, 375, 449, 450, 461, 469, 506.
92. To amend the act entitled an act further to amend the act entitled an act to incorporate the town of Painesville, passed February 8, 1837, 387, 399, 447, 459, 469.
176. To amend the act to incorporate the city of Sandusky, in Erie county, and for other purposes, passed March 6, 1841, 289, 397, 447, 450, 469.
254. Supplementary to an act entitled an act to incorporate the Washington Fire Engine co. of Mt. Vernon, 528, 539, 563, 564, 584.
239. To incorporate the Warren county Farmer's Mutual Insurance company, 532, 563, 569.
292. To amend the act to incorporate the Portage county Mutual Fire Insurance company, 563, 581, 592.
247. To extend the corporate limits of the town of Clarington, in the county of Monroe, 544, 554, 581.
298. To amend the act to encourage the organization of fire companies and to repeal former acts, 581, 593.
365. To incorporate the Rescue Engine company No. 1, of the town of Bucyrus, 616, 620, 622.
348. Incorporating the Ohio Iron and Coal company, 663, 672.

ENABLING ACTS.

174. Authorizing the city council of Cincinnati to borrow such sums of money as may be required for the improvement of the city waterworks, 205, 213, 299, 374.
50. To authorize the commissioners of Van Wert county to borrow money for certain purposes, 229, 239, 298, 305.

BILLS OF THE HOUSE—*Continued.***Number.**

- 69.** To authorize the trustees of Portland township, Erie county, to borrow \$20,000 and subscribe the same to Plank Road companies, 239, 244, 299, 299, 394, 410.
- 83.** To authorize the trustees of Portland township, Erie county, to borrow \$20,000 for the improvement of the Sandusky harbor, 239, 244, 299, 305.
- 98.** To authorize the trustees of the original surveyed township in Brown township, Athens county, to lease to the original lessees or their assigns, section 29, in said township, 239, 245, 299, 568, 582.
- 223.** To authorize the administrator of Wm. S. Tracy, deceased, to complete real contracts, 296, 304, 338, 393, 647.
- 248.** To authorize the commissioners of Marion county, to subscribe stock in railroad companies, 374, 379, 381, 384.
- 375.** To authorize the Columbus and Sandusky turnpike company to sue the State, 558, 568, 656, 671.

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- 2.** To incorporate the Judson College in the county of Harrison, 168, 179, 232, 243, 252, 285.
- 51.** To incorporate the Otterbein University, in Westerville, in the county of Franklin, O., 229, 238, 299, 311, 321.
- 24.** To revive an act entitled an act to incorporate the Bishop's Calvinistic Seminary, passed March 17, 1835, and to change the name of said corporation, 247, 252, 299, 310.
- 64.** To incorporate the Minster Fire Insurance Association, 246, 299, 342, 391, 398, 437.
- 136.** To incorporate the Oxford Female Institute in the town of Oxford, in the county of Butler, 273, 283, 300, 310, 322, 325.
- 151.** To incorporate the Cincinnati Medical Institute, 296, 304, 308, 345, 363, 394, 398, 432.
- 162.** To incorporate the Mt. Washington College, Hamilton county, 307, 310, 313.
- 198.** To revive and amend an act to incorporate the Tiffin Savings Institute, passed March 3, 1834, 332, 340, 342, 355, 668.
- 153.** To incorporate the Troy Lodge No. 3, of the Independent Order of Odd Fellows, 344, 358, 381, 483, 508.
- 252.** Confirming the charter of the Covington and Cincinnati Bridge company, incorporated by an act of the General Assembly of Kentucky, with certain limitations, 369, 375, 436, 464, 524, 559.
- 231.** To incorporate the German Evangelical Lutheran and German Reformed United Protestant Congregation of Seneca township, Seneca county, 370, 375, 447, 459, 469.
- 177.** To incorporate the Walnut street Baptist Church of Cincinnati, 387, 394, 448, 460, 469.

BILLS OF THE HOUSE—Continued.**Number.**

- 235. To incorporate the Dry Ridge Universalist Society of Greene township, Hamilton county, 472, 502, 548, 556.
- 253. To incorporate the Darke County Medical Society, 505, 526, 550, 552, 569.
- 294. To incorporate the St. John's Church of Evangelical Protestants of Beaver township, in the county of Pike, 544, 555, 564.
- 295. To incorporate the Roman Catholic St. Peter's Association of the Germans of Cincinnati, 544, 555, 564.
- 219. To incorporate the Alexander Presbyterian Church of Hibbardsville, in the county of Athens, 544, 554, 564.
- 228. To incorporate the Mt. Pleasant Academy in Kingston, Ross county, 544, 554, 580, 581, 593, 617.
- 332. To incorporate the St. Salem's Church of Evangelical Protestants of Scioto township, Jackson county, 545, 555, 564.
- 313. To incorporate the Windham Literary Association, 555, 563, 564.
- 280. To incorporate the Pickaway County Savings Institute, 559, 568, 578, 593.
- 201. To incorporate the Union Society of the Oberlin Collegiate Institute, 586, 592, 596, 617, 635, 651.
- 336. To incorporate the M. E. Church of the town of Tarlton, Pickaway county, 586, 592, 632, 662.
- 339. To incorporate Sidney Lodge No. 60, of the Independent Order of Odd Fellows, 586, 592, 596.
- 316. To incorporate the Defiance Female Seminary in the county of Defiance, 593, 610, 659, 674.
- 360. To incorporate the New Burlington Division No. 44, of the Sons of Temperance, 616, 634, 566.
- 374. To amend the act entitled an act to incorporate the proprietors of the Cemetery of Spring Grove, 618, 635, 652, 662.

JUSTICES AND CONSTABLES.

- 29. To regulate proceedings before justices of the peace, 472, 501, 548, 652, 662, 676.
- 189. To amend the act defining the powers and duties of justices of the peace and constables in civil cases, 653, 661, 668, 683, 691.

PRINTING.

- 278. Fixing the prices of printers for publishing the delinquent and forfeited list, 431, 443, 478, 514, 526, 559.

RELIEF ACTS.

- 33. To change the name of John G. Baekhaus to J. G. Baker, 181, 204, 333, 383.

BILLS OF THE HOUSE—*Continued.*

Number.

- 61. For the relief of John D. Burrill, 246, 252, 277, 282, 286, 292, 395, 504.
- 156. For the relief of Nabby Wheeler, 344, 355, 381, 513, 546.
- 189. For the relief of Amelius Hayden and William M. Folger, 358, 368, 381, 409.
- 197. To restore John Kidwell to his legal rights and privileges, 473, 502, 516, 528, 548.

ROADS, SUPERVISORS, TAXES, &C.

- 3. To amend the act passed January 28, 1848, entitled an act to incorporate the Lorain Plank Road company, 154, 159, 230, 232.
- 13. To incorporate the Ashtabula Central Plank Road company, 167, 180, 232, 269, 283, 295.
- 14. To amend the act for opening and regulating roads and highways, passed March 14, 1831, and the acts amendatory thereto, 214, 218, 232, 632, 664.
- 46. To appoint commissioners to lay out and establish a State road in the counties of Meigs, Gallia and Jackson, 229, 238, 298, 306.
- 42. To repeal the act entitled an act prescribing the duties of supervisors, and relating to roads and highways, passed January 15, 1845, 247, 299, 311, 321.
- 75. To incorporate the Sandusky City and Castalia Plank Road company, 247, 252, 300, 341, 355.
- 32. To incorporate the Lower Sandusky Plank Road company, 263, 291, 300, 374, 386, 404.
- 100. To lay out and establish a State road in the counties of Washington and Athens, 294, 305, 338, 354, 368.
- 167. To extend the Monroeville Plank Road company to Elyria, in Lorain county, 306, 313, 338, 366, 374, 386, 415, 416, 445.
- 121. To incorporate the Little Miami Bridge company, 306, 313, 363, 383, 398, 432.
- 76. To incorporate the Lake Erie and Milan Plank Road company, 324, 332, 363, 392, 409, 410.
- 134. To amend the act entitled an act for the improvement and repair of the Cincinnati and Carthage road, and for other purposes, passed February 4, 1848, 324, 332, 363, 621.
- 200. To amend an act entitled an act to incorporate the Tiffin and Findlay plank road company, passed February 24, 1848, 324, 332, 363, 367, 376, 398, 411.
- 117. To amend the act to incorporate the Great Western railroad company, 324, 332, 362, 398, 432.
- 189. To incorporate the Maumee City railroad company, 244, 355, 381, 385, 441, 469, 541.

BILLS OF THE HOUSE—Continued.

Number.

- 148. To incorporate the Columbus, Piqua & Indiana railroad company, 358, 368, 381, 392, 410.
- 226. To incorporate the Sharon railroad company, 412, 423, 448, 457, 469.
- 195. To incorporate the Mad River & Miami Central railroad company, 431, 443, 478.
- 240. To incorporate the Trumbull, Portage & Geauga plank road company, 471, 502, 549, 552, 569, 586.
- 310. To incorporate the Martinville & Bridgeport plank road company, 472, 502, 515, 517, 527.
- 250. To lay out and establish a State road from Liberty township, in Putnam county, to the Van Buren, Independence & Ridgeville free turnpike road, in Henry county, 473, 502, 562, 549, 556.
- 305. To lay out and establish a State road in the counties of Athens, Jackson and Gallia, 473, 502, 549, 559.
- 309. To amend the third section of an act passed February 24, 1848, entitled an act to incorporate the Great Western railroad company, 473, 502, 549, 557, 571.
- 189. To incorporate the Four Mile Valley railroad company, 473, 501, 548, 556.
- 249. To incorporate the Cincinnati, Batavia & Williamsburg railroad company, 473, 502, 549, 554, 569.
- 208. To amend the act to incorporate the Steubenville & Indiana railroad company, 506, 526, 550, 553, 554, 571.
- 271. To incorporate the Mahoning plank road company, 523, 537, 566, 583, 617.
- 229. To lay out and establish a State road in the counties of Jackson and Athens, 544, 554, 565, 582, 591.
- 285. To amend an act entitled an act to lay out and establish a graded State road in the counties of Gallia and Jackson, 545, 555, 585, 583.
- 351. To authorize the commissioners of Stark county to subscribe stock to the Ohio and Pennsylvania railroad company, 559.
- 284. To amend the act to establish a graded State road in the counties of Gallia, Athens and Meigs, 565, 583.
- 372. To incorporate the Sunfish railroad, 570, 582, 590, 610.
- 388. To incorporate the Perrysburgh & Maumee Union Bridge company, 570, 582, 589, 592, 611, 644, 646.
- 228. To incorporate the Black River & Amherst plank road company, 586, 602, 620, 621, 622, 636, 655.
- 341. To incorporate the Maumee & Toledo plank road company, 586, 592, 602, 636, 655.
- 342. To incorporate the Middleport & Rutland plank road company, 611, 635, 651, 662, 676.
- 304. To incorporate the Cleveland & Twinsburgh plank road company, 616, 634, 651, 662, 676.
- 330. To incorporate the Akron plank road company, 616, 634, 651, 662.

BILLS OF THE HOUSE—*Continued.*

Number.

- 381. To incorporate the Cuyahoga Falls plank road company, 616, 634, 652, 662.
- 289. To amend the act entitled an act to incorporate the Urbana & Columbus railroad company, 618, 635, 640, 661.
- 354. To repeal the ninth section of the act entitled an act to incorporate the Milan & Richland plank road company, 638, 659.
- 308. To incorporate the Geauga and Trumbull plank road company, 638, 641, 661.
- 175. To amend an act entitled an act to authorize the city of Dayton to subscribe to the capital stock of certain railroad companies, 653, 661.
- 262. To amend the act to incorporate the Mad River & Great Miami railroad company, 653, 661, 671.

TURNPIKE ROADS.

- 4. To incorporate the Madison and Fayette Turnpike Road company, 168, 180, 230, 235, 246.
- 39. To incorporate the London, Summerford and Martinsburg Turnpike company, 204, 230, 235, 245.
- 47. To amend the act incorporating the Colerain, Oxford and Brookville Turnpike company, 229, 238, 298, 383, 393, 432.
- 65. To repeal an act entitled an act to incorporate the Harnar and Lancaster Turnpike Road company, 247, 252, 289, 700.
- 66. To incorporate the Oxford, Western and Connersville Turnpike company, 217, 252, 300, 392, 411, 417.
- 68. To incorporate the Waynesville and Sugar Creek Turnpike company, 217, 252, 314, 321, 345.
- 93. To incorporate the Milford, Edenton and Woodsfield Turnpike company, 294, 239, 338, 384, 338, 432.
- 110. To incorporate the Columbia and New Richland Turnpike and Bridge company, 294, 305, 333, 384, 393, 432.
- 161. To incorporate the Franklin and Germantown Turnpike company, 296, 304, 337, 344, 350.
- 119. To incorporate the Bellbrook and Beaver Creek Turnpike Road company, 306, 313, 339, 384, 398, 437.
- 125. To amend the act entitled an act to incorporate the New Baltimore and New Hiven Bridge company, passed February 8, 1847, 306, 313, 363, 336, 376, 387, 415, 416.
- 138. To incorporate the Lewisburg and Liberty Corners Turnpike Road company, 306, 313, 365, 392, 410.
- 112. To incorporate the Union Bridge and Cincinnati Turnpike Road company, 306, 313, 338, 384, 398, 432.
- 186. To incorporate the London and Lafayette Turnpike company, 307, 313, 363, 392, 410.
- 149. To repeal the act to lay out and establish the Mt. Vernon, Bennington and Delaware Free Turnpike road, 354, 381, 429.

BILLS OF THE HOUSE—Continued.**Number.**

- 184. In relation to the Urbana, Troy and Greenville Turnpike company, 369, 375, 380, 395, 410, 444, 574.
- 236. To incorporate the Locust Grove and Ripley Turnpike company, 369, 375, 447, 460, 527.
- 174. To amend the act entitled an act to incorporate the Dayton and Xenia Turnpike company, passed February 28, 1845, 387, 397, 447, 457, 467, 506.
- 185. To incorporate the Dayton, Xenia and Watervliet Turnpike company, 399, 409, 448, 457, 469.
- 210. To amend an act entitled an act to incorporate the Franklin and Springboro Turnpike company, in the county of Warren, 437, 443, 478, 513, 527.
- 205. To incorporate the Troy, Stanton and Losscreek Turnpike Road company, 472, 502, 548, 556.
- 269. To incorporate the Bentonville and New Market Turnpike company, 472, 502, 549, 556.
- 274. To incorporate the Elizabethtown and Clevestown Turnpike company, 472, 502, 549, 557.
- 290. To incorporate the Green and Mill Creek Township Turnpike company, 472, 502, 549, 554, 569.
- 232. To incorporate the Circleville, Darbyville and London Turnpike company, 544, 554, 566, 582.
- 327. To incorporate the London and Mt. Sterling Turnpike company, 544, 555, 566, 583.
- 346. To incorporate the Stillwater and Darke county turnpike company, 544, 555, 566, 583.
- 216. To authorize the town council of Miamisburg, to levy a tax to construct a free turnpike road, 544, 554, 580, 592.
- 318. To incorporate the Higginsport, Russellville and Eckmansville turnpike road company, 571, 582, 590, 610.
- 333. To incorporate the Clifton, Cedarville and Jamestown Turnpike Road company, 586, 592, 607, 636.
- 335. To incorporate the Hamilton and Mason Turnpike company, 586, 592, 603, 636.
- 349. To amend the act entitled an act to incorporate the St. Paris and Elizabethtown, Fletcher, Piqua and Covington Turnpike company, 616, 634, 651, 602.
- 336. To incorporate the New Richmond and Bethel Turnpike company, 616, 634, 652, 602.
- 364. To incorporate the Dayton, Shakervillage and Xenia Turnpike company, 638, 612, 662.
- 382. To amend an act entitled an act for the preservation and repair of the National road, 633, 619, 669, 680.
- 393. To incorporate the Barnsville and Warren Turnpike company, 653, 661, 670, 674.
- 360. To incorporate the Manchester and Bentonville Turnpike company, 691, 692, 693, 697.

BILLS OF THE HOUSE—Continued.

FREE TURNPIKES.

Number.

7. To establish a free turnpike road from Springborough to Ridgeville, in Warren county, 154, 159, 232, 291, 305.
152. To amend an act passed February 5, 1847, entitled an act accepting the charter and franchises of the first range turnpike company in Ashtabula county, and declaring the same a free turnpike road, 296, 314, 338, 384, 400, 432.
223. To lay out and establish the West Elkton turnpike road, 324, 332, 363, 393, 410.
161. To repeal a part of the act entitled an act to lay out and establish a free turnpike road from Delaware, in Delaware county, to Kenton in Hardin county, passed February 8, 1848, 387, 397, 448, 460, 469.
211. To lay out and establish a free turnpike road from Middletown and West Alexandria turnpike company, 387, 397, 448, 460, 468.
226. To repeal an act entitled an act to lay out and establish a free turnpike road therein named, 472, 502, 549, 557, 566, 583.
288. To lay out and establish a free turnpike road from Defiance, in Defiance county, to the Indiana State line, at the point where the Fort Wayne road crosses said line in the county of Paulding, 472, 502, 549, 557.
204. To incorporate the Miamisburg western free turnpike company, 473, 502, 548, 556.

SCHOOLS, LANDS, &c.

15. To authorize the sale of section 16, in Richland township, Wyandot county, 154, 159, 232, 303, 314.
16. To authorize the sale of school section 16, Salem township, Wyandot county, 168, 180, 232, 303, 314.
18. To provide for the sale of the Northwest quarter of section 16, the original survey of township nine, range five, in the Steubenville district, now in Green township, Harrison county, 169, 180, 232, 301.
49. To authorize the sale of school section 16, in Harrison township, Gallia county, 181, 204, 233, 303, 316.
82. To authorize the sale of school section 16, in Pleasant township Hancock county, 247, 252, 300, 365.
88. To incorporate the Farmington Normal school, in Trumbull county, 274, 283, 397, 345.
144. To authorize the sale of school section 16, in Plain township, in Weed county, 284, 291, 339, 343.
91. To authorize the sale of school lands in Venice township, Seneca county, 294, 305, 338, 343.

BILLS OF THE HOUSE—*Continued.*

Number.

- 95. To authorize the sale of school lands belonging to Union township, (fractional) Champaign county, 294, 305, 338, 341, 356, 385, 410.
- 139. To regulate a certain school-district in Orwell township, Ashtabula county, 296, 304, 337, 343.
- 160. To amend the act entitled an act to encourage teachers institutes, passed February 8, 1849, 296, 304, 339, 341, 356, 359, 377.
- 137. For the support and better regulation of common schools in district No. 4, in Washington township, Preble county, 296, 304, 337, 343.
- 109. To provide for the sale of school section 16, in Bloomfield township, Hardin county, 306, 313, 338, 341, 356.
- 115. To authorize the sale of school lands belonging to Tymochtee township, Wyandot county, 306, 313, 338, 341, 356, 374.
- 140. To extend the time of payment of school section 16, in Springfield township, Lucas county, 306, 313, 363, 481.
- 165. To amend the act entitled an act for the support and better regulation of schools, and to allow the trustees of Richland township, Belmont county, to divide the town of St. Claireville into two or more school districts, 338, 397, 410.
- 166. To authorize the sale of part of school section 16, in Smithfield township, Jefferson county, 344, 355, 381, 453.
- 277. To authorize the sale of school section 16, in Medina township, Williams county, 358, 368, 447, 460, 469.
- 173. To authorize the sale of the South half of school section 24, granted to Washington township, now in Morrow county, 387, 397, 449, 460, 469.
- 243. To amend the act passed February 24, 1848, entitled an act to amend an act entitled an act for the support and better regulation of common schools, &c., 414, 423, 448, 466, 503, 529.
- 276. To authorize the trustees of Clay township, in Knox county, to establish said township for school purposes, 472, 502, 549, 557, 573, 574, 617.
- 213. To amend the act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 1838, 473, 502, 548, 550, 556.
- 157. To authorize the sale of the northwest quarter of school section 1, in Buck township, Hardin county, 473, 502, 549, 556.
- 270. To authorize the sale of school lands in Elizabeth township, Lawrence county, 473, 502, 549, 557.
- * 257. To extend the time of payment of the purchase money of section 16, in township No. 3, U. S. R., Lucas county, 473, 502, 549, 559.
- 220. To authorize the sale of lands belonging to Pitt township, Wyandot county, 506, 526, 550, 556.
- 317. To extend the time of payment for school section 16, in Clinton township, Stark county, 544, 555, 567, 583.

BILLS OF THE HOUSE—*Continued.*

Number.

- 359. To extend the time of payment to purchasers of school section 16, in township 4, range 4, Warren county, 544, 555, 564, 583.
- 218. To authorize the sale of certain school lands in Muskingum county, 544, 554, 563, 568.
- 293. To authorize the sale of certain forfeited lands in Wyandot county, 545, 555, 578, 593.
- 344. To amend the act entitled an act to regulate the sale of ministerial and school lands, and the surrender of permanent leases thereto, 586, 592, 635, 667, 674, 698.
- 366. To authorize the trustees of Berne township, Athens county, to lease certain school lands therein named, 616, 634, 651, 662.
- 367. To amend the act passed March 11, 1843, entitled an act for the support and better regulation of common schools, &c., 616, 634, 657.
- 387. To amend the act entitled an act to repeal an act entitled an act for the support and better regulation of common schools, &c., 638, 651, 662.
- 367. To repeal the provisions of an act passed February 14, 1848, entitled an act for the support and better regulation of common schools in the town of Akron, 638, 652, 662.
- 392. To authorize the sale of school section 16, in Wells township, Jefferson county, 653, 661, 668, 674.

TOWNS, CITIES, &c.,

- 5. To incorporate the town of Patriot, in the county of Gallia, 154, 159, 232.
- 6. To incorporate the town of Carlisle, in the county of Monroe, 154, 159, 232.
- 26. To incorporate the town of Morrow, in the county of Warren, 167, 180, 233.
- 19. To extend the corporate limits of the town of Germantown, in the county of Montgomery, 168, 180, 233, 249, 262.
- 20. To incorporate the town of Farmersville, in Montgomery county, 168, 180, 233.
- 36. To incorporate the town of Malvern, in the county of Carroll, 181, 204, 233, 420, 430.
- 69. To incorporate the town of Flushing, in Belmont county, 206, 203, 299, 397.
- 49. To incorporate the town of Bryan, in the county of Williams, 229, 238, 298.
- 58. To amend an act to incorporate the town of Franklin, in the county of Warren, and to repeal all laws heretofore enacted on that subject, passed February 8, 1848, 239, 244, 299, 374, 386.
- 84. To amend the act passed February 4, 1836, entitled an act incorporating the town of Jefferson, in the county of Ashtabula, 239, 244, 299, 310, 322.

BILLS OF THE HOUSE—*Continued.*

Number.

- 90. To amend part of the act incorporating the town of Steubenville, 247, 252, 289, 303, 314, 345.
- 114. To incorporate the town of St. Clairsville, in Belmont county, 263, 271, 300, 409, 423.
- 73. To incorporate the town of Youngstown, in the county of Mahoning, 274, 283, 337.
- 97. To amend an act to incorporate the town of Elyria, 294, 305, 338, 420, 420.

TOWNS, CITIES, &c.

- 157. To extend the corporate limits of Cincinnati, 344, 353, 381, 451.
- 188. To amend an act entitled an act to incorporate the towns of New Richmond and Susanna, in the county of Clermont, and the act amendatory thereto, 421, 443, 478, 564, 582.
- 222. Repealing the act entitled an act incorporating the town of Benton, in the county of Crawford, 472, 502, 548, 556.
- 190. To amend the act entitled an act to incorporate the town of Xenia, in the county of Green, 528, 539, 564, 582.
- 239. To incorporate the town of Palestine, in the county of Darke, 228, 539, 563, 569, 586.
- 230. To extend the corporate limits of the town of Mount Sterling, in the county of Madison, 539, 563, 569, 585.
- 281. To incorporate the town of Canfield, in the county of Mahoning, 529, 539, 563, 569.
- 350. To alter the plat of the village of Sullivan, in Ashland county, 544, 555, 567, 583.
- 275. To extend the corporate limits of the town of Mt. Gilead in Morrow county, 545, 554, 563, 569.
- 343. Further to amend the act entitled an act to incorporate the town and township of Fulton, in Hamilton county, 571, 584, 567, 660.
- 319. To amend the charter of Ohio City, 586, 632, 661.
- 324. Further to amend the act entitled an act to incorporate the town of Fairport, 586, 592, 647, 662.
- 337. To incorporate the town of New Burlington, in the counties of Clinton and Green, 586, 592, 632, 662, 676.
- 394. To incorporate the town of Spring Hills, in the county of Campaign, 653, 661, 671.
- 396. Further to amend the charter of the city of Cincinnati, 653, 661, 671.

TAXATION—TAXES.

- 43. To regulate the levying of taxes for road purposes in Belmont and Ashtabula counties, 205, 213, 233, 239, 246, 270, 282, 295, 318.

BILLS OF THE HOUSE—*Continued.*

Number.

- 150. To impose an additional tax for the improvement of the Maumee and Angola road, 358, 368, 381, 327, 444, 461, 507.
- 261. To amend the act entitled an act to authorize trustees of townships in Clinton county, to levy an additional road tax, 431, 443, 478, 559, 566.
- 209. To authorize the trustees of Upper township in Lawrence county, to levy taxes for certain purposes, 432, 502, 548, 556.
- 263. To amend the act entitled an act to amend the act for the levying of taxes on all property in this State according to its true value, 559, 568, 578, 593, 598, 641, 642.
- 363. To authorize the town council of the town of Akron to levy a tax to liquidate the debts due from said town, 639, 662, 662.

MISCELLANEOUS.

- 81. To incorporate the Savannah toll bridge company, in the county of Athens, 247, 252, 300, 311, 322, 345.
- 74. To revive a certain act therein named, 253, 262, 300, 352, 367, 500, 526.
- 78. Further to amend the act entitled an act for the incorporation of townships, passed March 5, 1831, 274, 283, 337.
- 96. To revive and continue in force the provisions of an act entitled an act to incorporate the Portsmouth dry dock and steamboat basin company, passed February 14, 1846, 285, 291, 297, 306, 310.
- 165. To divide the town of St. Clairsville, in Belmont county, into two school districts, 296, 304.
- 12. To amend an act entitled an act to provide for the settlement of the estate of deceased persons, 296, 304, 337, 521, 549, 520.
- 62. Supplementary to the act to prevent injury by dogs, passed December 24, 1814, 315, 321.
- 89. To provide for the protection of sheep, and imposing a tax on dogs, in the counties of Belmont, Harrison, Jefferson, Champaign, Delaware, Erie, Marion, Licking, Hardin, Clark, Trumbull, Guernsey and Morrow, 315, 321, 362, 379, 520.
- 101. To compel mortgagees and others to enter satisfaction of mortgages within three months after payment of mortgage money, and satisfaction of the condition of such mortgage, 324, 332, 362, 559.
- 45. To provide for bringing suits against certain corporate companies, 344, 354, 513, 523, 657.
- 122. To authorize courts of common pleas to remit fines in certain cases, 344, 354, 363, 521, 540.
- 123. To amend the act passed March 5, 1844, entitled an act to regulate the mode of collecting debts against turnpike companies, in which the State is a stockholder, &c., 344, 354, 363, 460, 521, 540.

BILLS OF THE HOUSE—Continued.

Number.

154. To repeal the act establishing a turnpike gate in the town of Fulton, Hamilton county, and for other purposes, 344, 354, 381, 392, 410.
156. To amend an act entitled an act directing the mode of trial in criminal cases, passed March 7, 1831, 369, 375, 382, 657.
158. To authorize county commissioners to allow guard fees in certain cases, 369, 375, 381, 392, 414.
118. Further to amend the act entitled an act to establish a commercial hospital and lunatic asylum for the state of Ohio, passed January 22, 1821, 370, 375, 459, 518.
169. To authorize the Governor, on behalf of the State of Ohio, to make a conveyance of certain lands, in Summit county, belonging to said state, 377, 385, 447, 513, 526.
259. Granting to the trustees and principal teachers of the Greenfield Seminary, in Highland county, authority to confer degrees and testimonials of attainment, 387, 397, 400, 409, 420.
286. To authorize Asahel Chittenden to surrender the lease for, and become the purchaser of the east half of the southwest quarter of 16, in Scipio township, Seneca county, 412, 423, 449, 455, 466, 503.
241. To attach South and Middle Bass Islands to Erie county, 472, 502, 549, 551, 579, 622.
31. To exempt homesteads from levy and sale on execution, 528, 539, 609, 622, 636, 639, 667, 676, 695.
129. To reduce the price of the state canal lands, and to confirm the sale thereof, in tracts not exceeding one hundred and sixty acres, to actual settlers, 539, 683, 694.
191. To amend the act entitled an act to create the office of Attorney General, and to prescribe his duties, passed February 18, 1846, and the act amendatory thereto, 544, 554, 576, 577, 596, 606, 635, 655.
192. For the more speedy administration of justice in Hamilton county, 544, 554, 562, 576.
224. To provide for the appointment of trustees to minors residing out of the state and having property in the same, 544, 554, 602, 636.
272. Amendatory to the act entitled an act supplementary to the act pointing out the mode of levying taxes, passed February 12, 1841, 544, 554, 579, 697, 699.
231. Concerning the docket of Jeremiah Moore, deceased, late justice of the peace in Fairfield county, 544, 554, 652.
307. To attach sections one and two, in Bloomfield township, Richland county, to Sandusky township, in said county, 545, 555, 563, 569, 586.
300. To provide for the payment of \$7,000 by the people of Gilead township, Morrow county, to aid in the erection of public buildings, 559, 566, 573, 605, 636.

BILLS OF THE HOUSE—*Continued.*

Number.

347. To enable corporations on the line of the Cincinnati and Sandusky Telegraph company to subscribe to the capital stock of said company, 571, 582, 589, 610.
292. To amend the act entitled an act to regulate public shows, 585, 651, 662.
323. To authorize the Governor to make deeds to certain school lands in Meigs county, 588, 592, 621, 636.
353. To legalize the surrender of a lease by Luther Shepherd to certain ministerial lands therein named, 616, 634, 663, 676.
379. In relation to a new canal in the city of Dayton, 616, 634, 647, 662.
377. To exempt from execution certain property therein named, 638, 659.
282. To create a special road district in Crawford county, 638, 652.
329. To amend an act entitled an act to authorize Nathan Starr to sell or convey certain real estate, 638, 657, 674.
238. To amend the act entitled an act for appointing notaries public, 638, 671, 676.
371. To authorize the city council of Cincinnati to levy an additional tax in aid of the disabled firemen's fund, 638, 652, 662.
56. To repeal the act to provide for the registering of the names of electors, and to prevent frauds at elections, passed March 13, 1845, 239, 245, 299, 305.
390. To authorize J. J. Higgins, guardian to the minor heirs of Thos. L. Hamer, to convey real estate to Katherine M. Hamer, 639, 696.
10. To extend and apply the forms of proceedings in chancery to all cases at common law, 687, 697.
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